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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: II

DATE: WEDNESDAY, MAY 11, 1988

BEFORE: M.I. JEFFERY, Q.C., Chairman
E. MARTEL, Member
A. KOVEN, Member

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -


IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St.
Thunder Bay, Ontario, on Wednesday,
May 11th, 1988, commencing
at 9:30 a.m.

VOLUME II

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member



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A P P E A R A N C E S

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APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

1 --Upon commencing at 9:34 a.m.

2 THE CHAIRMAN: Thank you, ladies and
3 gentlemen. Please be seated.

4 Ladies and gentlemen, before we begin this
5 morning I would just like to ask that counsel, if they
6 would not mind, when they are making their
7 presentations, their opening statements to the Board,
8 would you kindly either use the podium over here -
9 especially you, Mr. Freidin, since it is right in front
10 of you - and the other counsel, if they wish, to remain
11 at their tables, that's fine, but we would appreciate
12 it if you would put on the microphones and there is one
13 per table that clips on - it is like a lapel
14 microphone - because some members of the public
15 yesterday expressed the concern to the Board that they
16 could not hear some of the lawyers clearly.

17 So we have the sound system, I do not
18 know how it is going to work in general, but I think we
19 should at least attempt to use it.

20 Ladies and gentlemen, as you are aware,
21 Mr. Hunter yesterday raised concerns with respect to
22 the proposed order of presentation on the part of the
23 Ministry of the Environment as it is presently
24 contemplated under the Board's Rules 47 and 48.

25 In essence, he expressed the concern

1 that, in his view, the Ministry of the Environment
2 could not be characterized as being neutral; that is,
3 not take a position either in support of or in
4 opposition to the proposed undertaking. A number of
5 other parties supported Mr. Hunter with respect to
6 these concerns.

7 In response, Mr. Campbell reiterated the
8 position of the Ministry of the Environment taken by
9 the Ministry earlier at the preliminary meetings to the
10 effect that his client's role would be varying
11 depending on the specific issues being discussed and
12 that he could not put forward the Ministry as being
13 either wholly or substantially in support or wholly or
14 substantially in opposition to the undertaking.

15 In the Board's view, the Ministry of the
16 Environment is a regulatory body or agency with
17 responsibility to oversee and exercise a regulatory
18 role on all matters relating to the environment and, as
19 such, has a somewhat different role than that of the
20 other parties.

21 It is clear under the provisions of the
22 Environmental Assessment Act that this Board has the
23 power to ultimately decide the application before us.
24 However, the Ministry of the Environment will continue
25 to exercise a regulatory role subsequent to the Board's

1 decision.

2 After considering the submissions put
3 forward by counsel for the parties, the Board has
4 concluded that in the circumstances of this application
5 the Ministry of the Environment should present its
6 evidence following those parties in opposition to the
7 proposal in accordance with Rules 47(6) and 48(6).

8 It is the Board's view that these
9 proceedings will be better served by the Ministry of
10 the Environment having the opportunity to evaluate its
11 position in the light of evidence given by those in
12 support of and in opposition to this application.

13 At the same time, the Board expects the
14 Ministry to clearly indicate its position on the issues
15 either in support or in opposition to specific issues
16 when it is possible to do so.

17 The Board appreciates the difficulties
18 that might be encountered by some of the parties
19 opposing the proposal in not having the benefit of the
20 Ministry of the Environment's evidence prior to
21 formulating their own position and has weighed these
22 concerns carefully in making this ruling.

23 With respect to Mr. Williams' concerns
24 about the order of presentation for part-time parties
25 represented by counsel, the Board is of the view that

1 this category is not presently contemplated by the
2 rules in Rules 47(2) and (4) and Rule 48(2) and (4) and
3 does require clarification.

4 Accordingly, it is the Board's view that
5 these parties should follow full-time parties
6 represented by counsel, other than the Ministry of the
7 Environment, and precede parties not represented by
8 counsel.

9 It is the Board's intention to settle the
10 order of presentation of the specific parties after the
11 opening statements have been made.

12 And that, ladies and gentlemen,
13 constitutes the ruling of the Board that we indicated
14 we would deliver today.

15 I might add that, as we proceed, should it
16 appear to the Board that there is substantial prejudice
17 to any of the parties as a result of this ruling, that
18 the Board will reconsider it and will certainly attempt
19 to rectify a situation, if necessary, through granting
20 leave for reply evidence or some other method which may
21 include amending or changing this order at a future
22 date.

23 I think at this point we can -- Mr.
24 Williams?

25 MR. WILLIAMS: Mr. Chairman, just one

1 comment if I might.

2 I appreciate the ruling you have handed
3 down with regards to the matters I raised with you
4 yesterday, and remind you that there was just one other
5 procedural point that I had raised with you yesterday
6 regarding the possibility of having the proponent
7 provide additional information with regard to their
8 outline of evidence and, in particular, where
9 possible - even if on a tentative basis - the provision
10 of names of expert witnesses --

11 THE CHAIRMAN: Well, I thought, Mr.
12 Williams, we discussed that with Mr. Freidin. We are
13 not going to make a ruling on that because I thought
14 that he indicated that in preparing the outlines they
15 would attempt to put in some more information and,
16 where possible, include the participants of the panel.

17 Was that not correct, Mr. Freidin?

18 MR. FREIDIN: Correct.

19 THE CHAIRMAN: So I do not think it has
20 to be included in a specific ruling.

21 MR. WILLIAMS: Thank you, Mr. Chairman.

22 THE CHAIRMAN: Mr. Freidin, are you ready
23 to deliver your opening statement on behalf of the
24 Ministry?

25 MR. FREIDIN: Yes, Mr. Chairman.

1 Just one correction. On one of the
2 handouts I did hand out yesterday, the two-page list of
3 MNR witness panels, on the second page under Panel XV,
4 sub e), it should be "protection operations", not
5 "protection on operations".

6 THE CHAIRMAN: Sorry, would you mind
7 repeating that, Mr. Freidin.

8 MR. FREIDIN: XV, subparagraph e), the
9 last line should say "protection operations" not --
10 take out the word "on".

11 THE CHAIRMAN: Thank you.

12 MR. FREIDIN: Mr. Chairman, this, as you
13 are aware, is a class environmental assessment in which
14 the Ministry of Natural Resources is seeking approval
15 for timber management on Crown Lands within forest
16 management units.

17 Timber management is defined and is set
18 out on page 2 of the outline, and it consists of a
19 sequence of related activities which are access,
20 harvest, renewal and maintenance of the resource.

21 The purpose of the undertaking is to
22 provide a continuous and predictable supply of wood for
23 Ontario's forest products industry.

24 Now, Mr. Chairman, the area of the
25 undertaking that we are talking about in this

1 particular case is approximately 385,000 square
2 kilometres, and the map at page 10 of the Environmental
3 Assessment document will, in fact, outline the area of
4 the undertaking.

5 The focus of the assessment will be the
6 planning and the implementation - perhaps the emphasis
7 on the implementation - of the timber management
8 activities which, in fact, compose the undertaking.

9 The evidence will focus on carrying out
10 those activities and planning for those activities at,
11 what is referred to, as the management unit level.

12 The evidence will indicate that the area
13 of the undertaking is, in fact, subdivided into 99
14 management units of varying sizes, and each five years
15 a timber management plan is prepared for each of those
16 areas and those plans are, in fact, where one will find
17 the recording of the activities that will occur within
18 five years; the activities of harvest, renewal, access
19 and maintenance.

20 There will be a number of panels who will
21 speak to general matters, merely to assist the Board in
22 placing the preparation of these plans within the
23 context of all the other things that the Ministry of
24 Natural Resources does.

25 Now, Mr. Chairman, the reason I prepared

1 this MNR witness panel outline, which is really only a
2 summary of the headings in the outline, to indicate how
3 the Ministry proposes to sort of package the evidence.

4 We obviously have to deal with a lot of
5 matters and there seemed to be, sort of, any number of
6 ways that we could have approachd the evidence, but we
7 have chosen the method outlined in this MNR witness
8 panel primarily because of the unique nature of this
9 particular environmental assessment. And by unique
10 nature, I refer to the fact that in this environmental
11 assessment, as you indicated yesterday, we are dealing
12 with an undertaking which is not new, something which
13 continually goes on and, in fact, it is different than
14 most environmental assessments in that it is dealing
15 with the management of part of the natural environment
16 itself.

17 As you are aware, most environmental
18 assessments deal with the inquisition of a capital
19 structure on the environment. Because what we are
20 doing is going to be talking about management of part
21 of the natural resource itself, the Ministry obviously
22 will be dealing with how it manages the tree aspect of
23 the environment, how it actually manages the timber
24 resource for the purposes of meeting the purpose of the
25 undertaking, and we will also have to talk about how

1 carrying out that particular -- the activities
2 necessary to manage that wood resource could have an
3 effect on other aspects of the environment.

4 So, what we are going to do is start off
5 in Panel No. 1 by basically just giving you a
6 description of the Ministry as a whole and the various
7 resources for which it has management responsibility.

8 I have bracketed the Panels 2 through 5
9 because those particular panels are going to deal with
10 how the Ministry manages only in relation to the
11 objective of the undertaking, which is to supply a
12 continuous and predictable supply of wood to Ontario's
13 forest products industry.

14 One of the things that the Ministry is
15 going to establish is that when it plans and carries
16 out timber management activities, it does so with
17 concern for the effects of those activities on other
18 aspects of the environment and it accommodates the
19 values and uses, other than timber management, which
20 exist in the area of the undertaking.

21 Although the planning for these various
22 activities, in terms of the supply of wood, will be
23 dealt with separately in those two panels, I just
24 wanted to make it clear that we have split up the
25 evidence very arbitrarily and decided to deal with

1 management for the purposes of having a wood supply in
2 the first four panels and then dealing with the effects
3 or potential effects of those activities thereafter.

4 So if I can go back to Panel No. 1 then,
5 Mr. Chairman, that particular panel -- the purpose of
6 that panel is, as it indicates, to give an outline of
7 the Ministry of the Natural Resources. There will be
8 four topics primarily dealt with.

9 First, there will be a description of the
10 Ministry of Natural Resources and the programs or the
11 resources for which it has management responsibilities;
12 there will be a description of the administrative
13 organization of the Ministry of Natural Resources;
14 there will be a description of the management system of
15 the Ministry of Natural Resources; and there will be a
16 description of the philosophy of integrated resource
17 management.

18 One of the primary reasons for dealing
19 with the first matter; that is, the description of the
20 Ministry of Natural Resources and the resources for
21 which it has management responsibilities, is that
22 timber management occurs through an interdisciplinary
23 planning team. You will hear -- when we get down to
24 Panel 15 where they are actually talking about how
25 timber management plans are prepared, you will hear

1 that those plans they are not prepared only by a
2 forester but that, in fact, representatives of the
3 various programs within the Ministry of Natural
4 Resources that have management responsibilities in
5 relation to resources other than timber, sit on that
6 interdisciplinary planning team.

7 And I believe that it will be of
8 assistance to the Board to have an appreciation of what
9 those other people do and what responsibilities they
10 have, what concerns they have about the environment,
11 because those people, when they come to that planning
12 table, come with that baggage. They are there, they
13 have their own objectives to achieve in relation to
14 their particular resource, and they sit together to
15 develop these plans.

16 In terms of the administrative
17 organization, that primarily is going to be described
18 so you will have an appreciation of what witnesses are
19 referring to when they speak of having regional
20 approval of something, certain documents prepared at
21 the district level and that sort of thing.

22 The management system will be described
23 and basically, Mr. Chairman, the Ministry of Natural
24 Resources, just like any other large organization, has
25 a management system which has -- or which would

1 identify the various levels of decision making, and we
2 will be talking about certain policies that have an
3 effect on timber management and one of the prime
4 purposes of dealing with the management system is to
5 give the Board a sense of where certain policies are,
6 in fact, developed; the type of people who are involved
7 at what level, whether it is a Cabinet policy, whether
8 it is a policy made by the Minister and that sort of
9 thing.

10 Again, that matter will be dealt with by
11 way of a general introduction so that you will have an
12 appreciation of or an understanding of how these
13 various policies and directives within the Ministry are
14 in fact prepared.

15 The philosophy of integrated resource
16 management will be described and, without giving you
17 the official definition of what that means, it is in
18 fact a direction to all people within the Ministry,
19 regardless at what level they are, that when they in
20 fact make their decisions they must take into account
21 the effect that those decisions will have on other
22 programs within the Ministry, other programs within --
23 ministries within the government, and on all interests
24 of other users of the forest.

25 The second panel, Mr. Chairman, Ontario's

1 Timber Management Program: An Introduction and
2 Overview.

3 That particular panel is going to be
4 broken up into two separate areas. The first part, Mr.
5 Armson, the provincial forester, will be giving a
6 description of the forest regions of Ontario. It is
7 going to be a very general overview indicating the
8 forest regions, the type of trees that you will find in
9 those forests, and also he will be indicating to the
10 Board the factors which, in fact, cause that forest
11 environment to change over time.

12 One of the important things that the
13 Ministry will attempt to establish, or will establish,
14 is that the forest is a dynamic environment which is
15 continually changing and that that has significance in
16 terms of the need to have a flexible planning system.

17 The agents of change, that Mr. Armson will
18 refer to, will be both manmade changes and changes
19 caused caused by nature such as fire, insects and
20 disease; those two being the most dramatic of those
21 changes.

22 In relation to my comment about
23 flexibility, Mr. Chairman, witnesses will be speaking
24 about the need to retain flexibility in relation to
25 certain aspects of these activities, but the Ministry

1 believes that that flexibility can be maintained
2 without affecting its ability to implement the
3 undertaking in an environmentally sound way.

4 You will hear, when we deal with the
5 planning of timber management plans, that there are
6 provisions in the planning process which, in fact, are
7 necessary to provide for that flexibility, such as
8 amendment procedures; contingency areas, which are
9 areas which are provided for in the plan where
10 companies may go to, in fact, carry out the harvest
11 when certain unexpected changes may occur, either
12 through natural means or by reason of changes in the
13 economy through market forces.

14 There will be a history of timber
15 management within the province, that also will be given
16 by Mr. Armson. And the reason for doing that, Mr.
17 Chairman, is that many of the ways that timber
18 management occurs today are the result of a long
19 history and that, again, is a difference from most
20 environmental assessments which, in fact, start with a
21 clean slate.

22 The Ministry will give an indication, will
23 explain how in fact it has adapted over time to these
24 various changes, and perhaps one of the best examples
25 of change would be change which has been in part caused

1 by this environmental assessment.

2 The Ministry, of course, it will indicate
3 that a number of changes were in the works before this
4 environmental assessment occurred, but this
5 environmental assessment has, in fact, had a positive
6 effect in terms of speeding up some of those changes.

7 It has been my experience, involved in
8 matters like this, that that's usually what happens;
9 you get involved in the process, and one of the things
10 the process of having hearings like this is intended to
11 do is to have people assess where they are going and
12 how they are doing things and improve where required.

13 There will be a description of a number of
14 important concepts or facts which arise out of a review
15 of the history of timber management, and I just might
16 refer to one that in my view should be kept in mind,
17 and that is that the length of time it takes trees to
18 grow influences, the speed at which effects and
19 effectiveness of activities can be assessed.

20 There will be a number of witnesses who
21 tend to say we are in the earlier stages of timber
22 management or we are entering into forest management.
23 When they say that, they are talking about 20 or 30
24 years. We have been entering or we have practicing
25 timber management for approximately 20 years, and they

1 will say we are just entering into timber management.

2 The reason for that is that this
3 particular resource is dealing with trees which, in
4 fact, take 80 or more years to grow to an age where in
5 fact they will be harvested, and there are some which
6 are younger than that but, in general terms, I think
7 that is accurate.

8 The third panel, Mr. Chairman, will deal
9 with the basis for wood supply planning. As you are
10 aware, the purpose of the undertaking is to supply a
11 continuous and predictable supply of wood for Ontario's
12 forest products industry.

13 The Ministry strives to do that through
14 practising sustained yield, and this panel will explain
15 what sustained yield means when it is applied to timber
16 management in Ontario. The evidence will explain to
17 the Board that sustained yield does not mean even flow
18 or the same volume of wood every year, year after year,
19 from the same area, and why that is the case will be
20 explained by this panel.

21 The panel will also explain three things
22 which play an important role in both predicting the
23 future wood supply and having the supply of wood to
24 industry being continuous.

25 The first one will be Ontario's forest

1 resources inventory which provides an estimate of the
2 species composition, the area distribution, the age,
3 and the volume of timber on a management unit basis.

4 This panel will also describe or explain
5 a concept referred to as maximum allowable depletion.
6 It is a regulatory measure, Mr. Chairman, which
7 determines the areas which can be depleted by any
8 reasons, including harvest, on a management unit within
9 any five-year period. It is a regulatory measure which
10 controls the amount of the cut. It is the regulatory
11 measure which ensures that people just don't go out
12 into the forest and cut just anything they want and as
13 much as they want.

14 The panel will also describe a concept
15 referred to as wood flow. Although the Ministry
16 strives to achieve sustained yield on a management unit
17 basis, there are times when the amount of wood which
18 can come from a particular management unit might not be
19 able to satisfy the demand by mills who have
20 historically obtained wood from that area.

21 The panel will describe how that
22 particular matter can be addressed through the flow of
23 wood from areas of the province or areas, other
24 management units, management units other than the one
25 which has historically been supplying particular mills.

1 In effect, Mr. Chairman, the purpose of
2 that would be to indicate that although there may be a
3 supply problem from a particular management unit, there
4 are mechanisms by which those supply problems can, in
5 fact, be met from other areas.

6 The fourth panel, Ontario's Wood Supply,
7 will deal with the forest production policy and it will
8 also address long-term wood supply.

9 In 1972, Mr. Chairman, the Cabinet
10 established a government policy, the forest production
11 policy, and that policy indicates that by the year 2020
12 the Cabinet desired to have in place a new forest in
13 Ontario which would supply industry with 25.8 cubic
14 metres of wood annually, and by new forest I mean
15 forest grown since the date of the forest production
16 policy which was 1972.

17 When that policy was created, the
18 Ministry of Natural Resources prepared an
19 implementation schedule which indicates the activities
20 that appeared to be necessary to occur in order to, in
21 fact, create that new forest. And this panel will, in
22 fact, describe that implementation schedule and where
23 the province is, or where the Ministry is in relation
24 to the implementation schedule which was prepared.

25 This panel will also describe a method

1 that the Ministry uses to assess long-term wood supply,
2 the forecast wood supply, a number of factors should be
3 considered and assumptions made in relation to them.
4 Those factors will be described by this panel. And
5 without listing all of them, the sorts of factors would
6 include the depletions due to natural causes -- a
7 projection as to depletions due to natural causes,
8 demand by industry, level of regeneration, utilization
9 rates, which will be explained by this panel and
10 others.

11 The important point, Mr. Chairman, is
12 that all of the factors which will be described by this
13 panel are subject to change, and the panel will then go
14 on and demonstrate how the method or model can be used.
15 The panel will do that by describing five different
16 long-term wood supply situations which resulted or
17 which were modelled based on different assumptions
18 about some of the factors.

19 And, in my submission, all of the
20 evidence of the Ministry which follows will help people
21 to understand each of those variables, what causes them
22 to change, and how one can affect or control the amount
23 that any of those variables may change.

24 I say that an understanding of this type
25 of model will assist people when they hear that

1 evidence because, in my view, it will allow them to
2 relate that evidence back to the model and thereby
3 better understand how that evidence relates to the
4 purpose of the undertaking.

5 The Forest Products Industry will be
6 described in Panel No. 5. The forest products industry
7 will be described, basically you will hear that it is
8 divided into three main components; the first one being
9 logging, or primary extraction; the second being wood
10 industries - that refers to things such as saw mills,
11 vaneer mills - and, thirdly, the pulp and allied
12 industries, and into that category fall the pulp and
13 paper mills, asphalt roofing, manufacturers of boxes
14 and bags and other converted paper, such as fine
15 writing paper.

16 The panel will describe those particular
17 components of the industry and will provide information
18 regarding their location, the products produced, the
19 species of trees used, and the quality of trees
20 required. The panel will also describe the
21 socio-economic contribution of the forest products
22 industry to Canada and to the provincial economy.

23 This particular evidence is, of course,
24 Mr. Chairman, extremely important in that it will
25 identify one of the positive environmental effects of

1 this particular undertaking.

2 The evidence will indicate that in terms
3 of balance of trade, for example, the forest products
4 industry contributes a substantial amount in terms of
5 having a positive balance of trade and, in fact, it
6 provides the highest net positive balance of trade in
7 comparison to any other industry in this province.

8 The evidence will also indicate that
9 although the undertaking has positive economic benefits
10 in southern Ontario as well as in northern Ontario,
11 that it has a special significance for northern Ontario
12 in that the number of people who rely on the industry
13 for employment is much higher in northern Ontario than
14 in other parts of the province.

15 Just one statistic of the type that you
16 will hear: 60 per cent of the provincial wood industry
17 and pulp and allied industries value added in 1983
18 occurred in southern Ontario, but more than 80 per cent
19 of all manufacturing activities in northwestern Ontario
20 and over a third of the manufacturing in northeastern
21 Ontario was forestry related.

22 This panel will also describe factors
23 which affect the competitiveness of the industry and
24 that evidence will again relate back to the planning
25 system in part and explain why flexibility is required.

1 Panel 6 and 7, Mr. Chairman, will
2 describe the environment affected. The first panel
3 will do so - it is referred to as an overview - and
4 basically it will provide the Board with an
5 appreciation of the scope and magnitude of the
6 undertaking and the environment, widely defined, that
7 it has the potential to affect.

8 The evidence is intended to give the
9 Board -- well, it will deal with the various uses of
10 the forest and, in the outline at page 10, you will
11 note that the manner in which the environment affected
12 will be described is set out.

13 In terms of the physical environment, the
14 factors listed in paragraph 3 will be described. And
15 in relation to the socio-economic and cultural
16 environment, what the Ministry has done in order to
17 organize this particular evidence will describe the
18 potential effect on the socio-economic environment by
19 reference to stakeholders and, you will note from
20 paragraph 4 of the outline, that stakeholders have been
21 divided into four categories for the purposes of this
22 explanation.

23 When the Ministry refers to commercial
24 stakeholders they are referring to people such as
25 tourist operators, trappers, miners, commercial

1 fishermen.

2 When they speak of recreational
3 stakeholders they will be describing people such as
4 anglers, hunters, cottagers, campers, hikers and
5 canoeists.

6 When they deal with community and
7 traditional stakeholders, they will be dealing with --
8 in terms of community, local municipalities and
9 governments; and under the heading of traditional
10 stakeholders, they will be referring to Ontario's
11 native peoples, and in that particular evidence the
12 panel will be describing the location of those
13 communities and their involvement in the use of the
14 forests in the area of the undertaking.

15 In terms of the native people, Mr.
16 Chairman, this panel will provide an explanation of the
17 government's current understanding of treaty and
18 aboriginal rights; it will discuss or provide a
19 discussion of Ontario government policy regarding
20 native peoples; and, more specifically, how activities
21 of the Ministry are guided by such policies.

22 And I should emphasize, Mr. Chairman,
23 that the evidence will be a description of Ontario
24 government policy not the Ministry of Natural
25 Resources' policy as those policies would be improperly

1 described as being those of the Ministry.

2 Mr. Hunter, when he asked some
3 interrogatories in relation to Panel No. 1, asked for
4 information relating to policy in relation to three
5 matters: The native land base, traditional and
6 subsistence land uses, and native social and economic
7 development. Examples of those were provided to Mr.
8 Hunter, but those matters will be expanded upon and
9 dealt with in this particular panel, Panel No. 6.

10 If I could go back to the reason for
11 doing this on a provincial scale, Mr. Chairman. That
12 is going to be done to give the Board some sense of the
13 distribution of these various activities and where
14 certain uses might be more intense in comparison to
15 others.

16 In my submission, that will assist the
17 Board in appreciating the evidence about certain
18 concerns about a specific problem or concern about the
19 environment such as, for example, the effect of access
20 roads on tourist lodges, remote tourist lodges. The
21 evidence in this particular panel, when it is over,
22 will give you a sense of where you will find most of
23 these remote tourism lakes, so that when people speak
24 of that sort of a concern you will be able to have some
25 idea of where that sort of conflict might occur more so

1 than in other areas.

2 The panel which follows will describe the
3 environment affected but on the forest management unit
4 basis. It will describe the range of information about
5 the environment that can be collected and the sources
6 that are used when collecting information for timber
7 management purposes.

8 There are certain types of information
9 which are collected regularly by the Ministry of
10 Natural Resources; there are certain types of
11 information which are collected and might be referred
12 to as special collections.

13 The type of thing that I refer to when I
14 speak of regularly collected, in relation to wildlife,
15 for instance, that might be aerial moose surveys which
16 provide a moose population. In terms of a special
17 collection for wildlife, it might be any one of a
18 number of special studies which were done between 1977
19 and 1987 for endangered, threatened or rare species.

20 So when timber management plans are
21 prepared there is a large amount of information which
22 is available on the management unit as a result of
23 information which is collected on a regular basis, that
24 information will be provided and explained to the
25 Board. And the special collections which do occur and

1 which can occur will also be explained.

2 The Ministry also obtains information
3 from sources outside the Ministry, including other
4 government ministries and agencies, persons with
5 special expertise and various stakeholders, and those
6 sources will be explained.

7 The physical environment will be
8 described, the land base of these management units for
9 the area of the undertaking, including soil and site
10 information, terrain and the timber resource itself.
11 In terms of wildlife, a description of the evidence
12 will include a description of non-timber flow and other
13 wildlife.

14 If I might go to Panel No. 8, Mr.
15 Chairman, entitled the Context for Resource Management
16 Decision Making.

17 After the information or background
18 information is prepared for the purposes of preparing a
19 timber management plan, the resource manager must make
20 planning or operational decisions based on that
21 information. The discretion of that decision maker is
22 not unfettered and the decisions that that person can
23 come to must be made within the bounds defined by
24 existing obligations and direction. So that this panel
25 will explain what those existing obligations and

1 directions consist of.

2 In terms of existing obligations,
3 reference will be made to things such as legislative
4 requirements such as the Crown Timber Act, the Lakes
5 and Rivers Improvement Act, when there are river
6 crossings. There will be reference to the type of
7 contractual obligations which must be taken into
8 account when preparing timber management plan.

9 One of those obligations or contractual obligations
10 being the contracts or the agreements with forest
11 management companies.

12 There must be a consideration of
13 pre-existing licences and permits, such as trapping
14 licences which may exist on the area of the
15 undertaking.

16 In terms of existing direction, the sort
17 of thing which will be referred to will be policy
18 directives, an example being the Timber Management
19 Planning Manual itself. That is a document which has
20 been prepared and which is used in all management units
21 when timber management plans are prepared, and that
22 document indicates, for example, that plans must be
23 prepared by identified people, in a defined time frame,
24 and for a identified area. So that is an example of a
25 policy directive, the type of thing which will be

1 discussed.

2 There are certain policies, such as
3 integrated resource management which I referred to,
4 which govern all the decisions which must be made when
5 preparing a timber management plan. The effect that
6 District Land Use Guidelines have will also be -- or
7 pardon me, is also an existing direction that must be
8 taken into account.

9 I failed to mention, when I mentioned
10 Panel No. 1, Mr. Chairman, that one of the important
11 parts of that evidence which will be dealt -- one of
12 the important subjects which will be dealt with is the
13 land use planning exercise that the Ministry of Natural
14 Resources was engaged in over a period starting in 1972
15 and ending in 1983, The result of that planning
16 exercise being the approval of documents referred to as
17 Strategic Land Use Plans which dealt with the province
18 and, in terms of the area of the undertaking, includes
19 approximately two planning regions; and also, the
20 second product was a product referred to as District
21 Land Use Guidelines and that will be explained by Panel
22 No. 1 as well.

23 When making decisions - going back to
24 Panel No. 8, Mr. Chairman - about planning and
25 operations, resource managers are not making those

1 decisions in a vacuum, they are not expected to make
2 those decisions based solely on personal knowledge and
3 experience, and this particular panel will describe the
4 tools or source of information to which resource
5 managers can refer to make the most informed decisions
6 that they can in any given situation.

7 A number of sources of information will
8 be referred to, but one source of information which I
9 refer to now is our implementation manuals.

10 There are three categories of
11 implementation manuals: There are Provincial
12 Guidelines, there are Technical Information documents,
13 and there are Construction and Operational Manuals.

14 The Provincial Guidelines contain general
15 technical assistance to resource managers and the
16 information in them is derived from experience,
17 knowledge and the review of current literature.

18 In terms of this particular environmental
19 assessment, there are three such guidelines which come
20 into play and they are: A Guideline for Protection of
21 Moose Habitat, a Guideline for the Protection of Fish
22 Habitat, and a guideline -- or Timber Management
23 Guideline for the Protection of Tourist Values. Those
24 documents will be introduced in this panel and their
25 use will be explained.

1 The actual application of those
2 guidelines will be explained by later panels when they
3 actually deal with the activities.

4 The second category of Technical
5 Information documents. These are documents which deal
6 with locally important environmental values as they are
7 identified and there is a whole host of these. They
8 are not prepared as mandatory guidelines, but are
9 information documents.

10 The type of thing I am referring to will
11 be Guidelines for Bald Eagles, for example, which have
12 been prepared. That is an information document which
13 can be referred to if, in fact, a bald eagle nest
14 happened to be in the area of planned timber
15 operations, and there are similar types of information
16 documents for other aspects of the environment:
17 waterfall, herring reefs, et cetera.

18 The third category of Construction and
19 Operation Manuals. Those documents provide technical
20 direction regarding specific timber management
21 activities, such as road construction, how you go about
22 conducting a prescribed burn - which is an activity
23 which takes place prior to renewal activities in the
24 forest - and technical direction in relation to aerial
25 spraying, and the use of all of these documents are

1 mandatory here.

2 The one category of Provincial Guidelines
3 which I didn't mention are Silvicultural Guides. The
4 Ministry prepares guides in relation to specific
5 species of trees to provide general technical
6 assistance to foresters in the development of
7 management prescriptions during the preparation of
8 timber management plans.

9 I should point out that these guides are
10 interpreted and adapted to local conditions and they
11 are not intended, nor could there ever be a listing of
12 every situation that could be found in the field, in
13 the forest, and what you have to do in response
14 thereto. Again, the use of these documents are
15 mandatory here.

16 The panel will also describe training
17 provided by the Ministry to assist staff in carrying
18 out their professional and administrative
19 responsibilities.

20 As you are aware, Mr. Chairman, direction
21 is important, but all the direction and sophisticated
22 planning processes in the world is not going to be
23 enough, you are going to have to require that there are
24 people in the field who make sound management
25 decisions. And the Ministry believes that the process

1 it has put into place for timber management works and
2 that timber management is carried out in an
3 environmentally sound way, largely due to the
4 professionalism and the commitment of its staff.

5 And when I refer to staff, I am referring
6 not only to the staff who are in the forestry program,
7 but the staff from other programs that become involved
8 in timber management through mechanisms such as
9 multi-disciplinary planning teams.

10 The Panel No. 9, Silviculture and
11 Principles of Forest Ecology, Mr. Chairman, is meant to
12 be an introduction to Panels 10 through 14 which deal
13 with the specific activities which comprise timber
14 management.

15 This particular panel will explain some
16 basic principles of forest ecology which will assist
17 the Board in understanding or assessing the evidence to
18 be given regarding environmental effects in the
19 following panels. The panel will discuss agents of
20 change and describe how those agents of change can
21 affect the forest.

22 You will hear evidence that changes vary
23 in terms of extent or magnitude, in terms of time, in
24 terms of duration, and in terms of frequency. And an
25 understanding of these principles will assist in

1 assessing the probability and the significance of
2 potential effects of timber management operations.

3 If I can just give you an example of what
4 I have referred to in terms of change occurring
5 frequently as opposed to non-frequently. If you have a
6 forest fire go through an area, that would be a major
7 change, and you would have regeneration of a certain
8 level coming back.

9 If that fire occurred once in 70 years
10 you would have a certain type of change, you would have
11 productivity of that soil at, let's say, "x", but if a
12 second fire goes through eight or ten years after the
13 first fire, more frequent -- the same change but more
14 frequent, you could have a totally different impact on
15 that environment.

16 In the second example, you would have a
17 second fire which could affect the nutrients of the
18 site, you could have a reduction in the nutrient or the
19 level of the site or the productivity of that site when
20 that particular type of change occurs more frequently.

21 The panel will also describe the basic
22 principles of silviculture, which is the application of
23 specific practices in order to meet management
24 objectives.

25 The trees that are out there and which we

1 will be discussing, Mr. Chairman, all have different
2 characteristics. They do not all react the same to
3 certain types of changes, they don't all have the same
4 age of maturity, they reproduce in different ways and
5 they grow in different ways. And this panel will
6 provide information in relation to those matters which
7 would be of assistance in understanding the evidence in
8 relation to timber management plans where, in fact,
9 special sections are dealt -- different species are
10 dealt with in specific parts of things called
11 silvicultural ground rules.

12 As a general comment in relation to
13 effects, before I go on to the portion on effects, Mr.
14 Chairman, I should advise that it is the proponent's
15 view that if timber management is implemented properly,
16 the undertaking does not result in significant
17 detrimental effects on the environment.

18 It will also be the Ministry's position
19 that the undertaking is, in most cases, implemented
20 properly. And it will also be the Ministry's position
21 that the practice of forestry is based on sound
22 environmental principles, and this will be explained by
23 the various panels.

24 I would like, however, to refer to page
25 16 of the Environmental Assessment document. You will

1 hear in the evidence, Mr. Chairman, when we deal with
2 the planning process, that there are areas which are
3 identified as areas of concern. These are areas where
4 uses or value -- or values of importance other than
5 timber values have been identified, and where a
6 comprehensive planning of operations is required.

7 In areas which are not in areas of
8 concern, those areas are called normal operating areas
9 and the Ministry wants to make it quite clear that what
10 occurs in those areas called normal operating areas, in
11 fact, is environmentally sound and it is for that
12 reason, in relation to those normal operating areas --
13 it is because of those that I refer to page 16,
14 starting at line 15 and I would just like to read that
15 paragraph:

16 "For the remainder of the areas of
17 operations; that is areas where no
18 particular resource features, land uses
19 or values which could be negatively
20 affected by timber management operations
21 are identified, the range of acceptable
22 silvicultural practices which could be
23 employed are determined by practising
24 professional foresters. Those practices
25 represent normal timber management

1 practice for the management unit and the
2 area of operations to which they apply is
3 termed normal operating areas. Those
4 acceptable silvicultural practices are
5 designed to ensure that the main elements
6 of the environment which require
7 protection in such areas; namely, the
8 timber resource itself and related soils
9 and site characteristics are protected
10 and that potentially adverse
11 environmental effects are prevented or
12 minimized."

13 THE CHAIRMAN: Excuse me, Mr. Freidin,
14 just to stop you there.

15 That might be an area, for example, where
16 counsel might be able to get together and agree that
17 there are not any issues which are substantially in
18 dispute.

19 I am not saying that that is, in fact,
20 what will happen, but that could be an area where
21 counsel might be able to agree that in certain areas
22 there are not issues which are of sufficient concern to
23 the various parties that demand a lot of oral testimony
24 and a lot of testimony by witnesses.

25 A lot of the information concerning those

1 areas, where agreement might be able to be reached,
2 could be put before the Board through documentation,
3 filed with the Board, exhibited by the Board and the
4 Board will consider it.

5 And as you pointed out there, if it is
6 the case that there can be agreement on certain areas
7 of this undertaking, I would ask all counsel to please
8 give it your consideration to try and reach that kind
9 of agreement, if possible.

10 MR. FREIDIN: Very well.

11 THE CHAIRMAN: Thank you.

12 MR. FREIDIN: Mr. Chairman, there will
13 undoubtedly be evidence describing specific incidents
14 to demonstrate both good timber management practices on
15 the one hand and situations where undesirable results
16 have occurred on the other.

17 And without in any way condoning the
18 actions which caused the undesirable result, it is
19 inevitable that such situations will occur from time to
20 time, but the Ministry does not believe that those
21 occurrences are common and that the evidence which will
22 be given by the following panels dealing with specific
23 activities, and the evidence to be given by Panel 16
24 dealing with monitoring and enforcement, demonstrate
25 that a system has been put in place which will ensure

1 appropriate reaction to such incidents.

2 The last general concept that I would want
3 to describe before actually dealing with the activities
4 and their effects relates to a comment in Paragraph 2
5 of the outline for Panel No. 9, and that was discussing
6 the various agents of change.

7 The question arises against what
8 benchmark should one assess environmental effects of
9 any particular activity. As already stated, the forest
10 environment is not static, it is continually changing
11 and it is periodically subjected to dramatic natural
12 agents of change such as fire, insects and disease.

13 Because the fire is subjected to natural
14 agents of change, it is the proponent's view that when
15 examining change in the environment, which is man-made,
16 the changes should be compared to those natural
17 changes, not to a situation where there is no change.

18 If I might then move on to the activity of
19 harvest. This particular panel, Mr. Chairman, will
20 describe the different logging systems which are used,
21 they will describe the different types of silvicultural
22 systems, silvicultural harvest methods which are used.

23 In terms of the logging methods, that
24 will refer to and explain the manner in which the trees
25 are actually taken out of the bush to roadside landings

1 primarily. You will hear that there are three logging
2 methods: short wood logging method, tree length, and
3 full-tree. I don't think that I will take the time to
4 describe each of those particular methods, Mr.
5 Chairman.

6 The different silvicultural harvest
7 methods that will be described, and you will note from
8 the outline that there are three referred to. There is
9 the clearcutting, and its variations, which is most
10 commonly practised in the boreal forest region. That
11 is a method where most of the trees in the area of the
12 activities are in fact harvested.

13 Shelterwood cutting is removal of all or
14 most of an area of forest at its maturity over the
15 course of two or more operations and reference -- or
16 description of the selection cutting system, a method
17 which is the periodic removal of mature trees with an
18 unevened age stands.

19 And by uneven age stands, Mr. Chairman,
20 that refers to an area where the trees - even if they
21 are all the same species - exist at different ages, so
22 that you can go into a stand of that type and you can
23 select the ones of the required age or the ones which
24 are mature, leaving the others to continue their growth
25 for a number of years so that the process can be

1 repeated.

2 The potential effects of harvest on the
3 environment will be described using the same
4 categories, or using the categories as outlined on page
5 18. The effects of that harvest on the forest, the
6 terrestrial forest estate and what that refers to is
7 the effect on the soil, the effect on the terrestrial
8 environment wildlife, the effects or potential effects
9 on the aquatic environment, and the potential effects
10 on the socio-economic environment.

11 The same approach will be followed when
12 describing the potential effects of all of the
13 activities. They will refer to those four categories
14 of the environment and, in relation to the
15 socio-economic environment, the approach will be
16 similar by all panels in that it will be identifying
17 the four categories of stakeholders that I referred to
18 earlier: commercial, recreational, local, and
19 traditional, and the public as a stakeholder.

20 In relation to renewal, Mr. Chairman,
21 renewal in this particular area -- this particular
22 panel will describe both natural regeneration and
23 artificial regeneration. By artificial regeneration,
24 reference is made to seeding of areas and planting of
25 areas.

1 This panel will describe the factors which
2 are considered in making a decision regarding which
3 type of regeneration will be used, whether it will be
4 natural regeneration or whether it will be artificial
5 and, if so, what type.

6 The panel will also be describing various
7 site preparation methods which are used, and these are
8 various methods which are used to prepare the site for
9 artificial regeneration.

10 There are mechanical methods using
11 different types of equipment, and those particular
12 methods will be described; there is chemical
13 preparation of a site, and there are prescribed burns
14 of sites.

15 The effects on the environment of all
16 those methods, except the application of herbicides,
17 will be dealt with by this particular panel.

18 The potential environmental effects of
19 the effect of herbicides will be dealt with by a later
20 panel that deals with tending -- pardon me,
21 maintenance, and the reason it is left to that stage is
22 because it is in that particular activity where
23 herbicides are most frequently used in relation to the
24 other activities.

25 The next panel will, in fact, deal with

1 the activity of tending. And tending, Mr. Chairman,
2 are actions which are taken to improve growth and the
3 quality of the forest crop. It can occur early in the
4 life of a forest stand or after the crop has been
5 established. It can occur early in order to have the
6 new crop survive.

7 You will hear that, in terms of
8 artificial regeneration, areas are subjected on some
9 occasions to the application of herbicides in order to
10 reduce competing vegetation, vegetation which is
11 competing with the young trees which have been planted.
12 Later in the life of a stand you will hear how
13 activities such as thinning can encourage growth
14 development of a stand or lead to better quality of
15 timber from a particular stand.

16 In terms of chemical tending, Mr.
17 Chairman, you will hear that this particular method is
18 the most common method in the boreal and, as I
19 indicated, it is used to retard growth of vegetation
20 competing with the new crop.

21 This panel will describe the various
22 methods and the factors which are considered when
23 choosing the method to be used.

24 In relation to herbicides, the panel will
25 also describe the products which are used, how and when

1 they are used, and their effectiveness in achieving the
2 intended purpose.

3 The next panel deals with the issue of
4 that part of maintenance called protection, and we are
5 referring there to protection from insects and disease,
6 and the various methods which can be used to obtain
7 that protection will be described.

8 They include things such as accelerating
9 the harvest so that you harvest those areas which are
10 affected by the disease. You can redirect the harvest
11 to certain areas in order to harvest stands which have
12 commercial value even though they have been affected by
13 insects or disease. You can have the application of
14 insecticides and those insecticides could either be
15 chemical or they could be biological.

16 Again, the potential environmental
17 effects of each of these various methods will be
18 described, and in relation to the use of insecticides,
19 the panel will describe the products used, how and when
20 they are used and their effectiveness in achieving
21 their intended purpose.

22 In terms of the sorts of evidence you will
23 hear, Mr. Chairman, in terms of the potential effects
24 on wildlife, an effect of this particular activity may
25 be to reduce food supply available to birds and certain

1 small mammals.

2 In terms of socio-economic environment,
3 for example, there are both positive and negative
4 effects; the positive one being protecting commercially
5 valuable timber and the negative one perhaps reducing a
6 recreational use of a certain area for a period of
7 time.

8 If we can refer then to the next panel,
9 which is Access. There are a number of ways of
10 accessing the forest for the activities of timber
11 management: Road, rail, water and air. Reference will
12 be made to each of those, but the emphasis obviously is
13 going to be on road access because that is the most
14 common means of providing access.

15 You will hear that there are three
16 different types of access roads when we deal with
17 planning: primary roads, secondary roads and tertiary
18 roads. This particular panel will be describing road
19 construction activities in relation to various types of
20 roads, the factors which influence forest access road
21 locations and the statutory authority for construction
22 and maintenance of forest access roads.

23 There will also be a description, Mr.
24 Chairman, of both normal and non-routine maintenance
25 activities. Again, the effects or potential effects

1 will be dealt with in accordance with the categories
2 which I have already referred to.

3 Mr. Chairman, it is in the preparation of
4 timber management plans that the two areas that I
5 referred to earlier get pulled together.

6 As I have indicated, a timber management
7 plan is prepared for each management unit every five
8 years, and this particular panel will be describing the
9 timber management plan process, how you go about
10 actually -- the steps you follow in preparing a plan,
11 including provisions for public involvement, and it
12 will describe the product of that particular exercise
13 which, in fact, is the timber management plan.

14 The panel will be broken down into the
15 various sections that are referred to in my two-page
16 outline. A decision hasn't been made as to whether in
17 fact it is going to be broken out in the final result
18 in that way, but tentatively the first panel will
19 describe what a timber management plan is.

20 And basically, Mr. Chairman, we will
21 start off - not by telling the Board how the plan gets
22 prepared - but will describe what a plan tells somebody
23 about each of the activities.

24 It will describe the sort of information
25 and understanding that can be obtained by somebody when

1 they actually pick up a final timber management plan.
2 They can find out what it tells them about the things
3 that they would be concerned about: where are the
4 operations going to occur, when are they going to occur
5 and how are they going to occur. So the first panel
6 will describe each of the activities and demonstrate
7 how that information is in fact recorded and conveyed
8 in a plan.

9 The second panel will describe how that
10 plan or how those decisions which are recorded in the
11 plan, which have been explained to you, actually were
12 made; what was the process which was followed leading
13 up to the preparation and the submission of a draft
14 plan to the higher levels of -- submitted for approval.

15 As I indicated, the timber management
16 plan is prepared at the management unit level. It is
17 prepared at that level, it is reviewed by other levels
18 of the Ministry, both at the district, the regional and
19 the main office.

20 So the second panel will describe, again,
21 how the plan was prepared, including the opportunities
22 for public involvement in that process up to the time
23 that the draft plan is submitted.

24 The third panel will describe the review
25 and approval process of that plan. As I indicated, it

1 is an approval process which involves various levels of
2 the Ministry, various levels of the Ministry's
3 administrative organization.

4 An important element of that review, in
5 my view, Mr. Chairman, is the fact that there is
6 cross-program review of those plans. Just as the plan
7 is prepared by a multi-disciplinary planning team, when
8 the plan is reviewed at the regional level, it is
9 reviewed by representatives of the various programs so
10 that they, in fact, can see how it might affect their
11 particular mandate, the resource for which they have
12 management responsibility.

13 Once a timber management plan is
14 prepared, and it covers a five-year period, every year
15 there is a document prepared which outlines what part
16 of that five-year plan is going to be implemented in
17 that particular year and that document - where that
18 gets recorded - is referred to as an Annual Work
19 Schedule, and how that is done will be explained and
20 examples will be given of the actual Annual Work
21 Schedule.

22 There is reference as well in this
23 panel -- this panel also deals with what is referred to
24 as operational planning. There are certain activities,
25 such as prescribed burns, which will be described --

1 that particular one will be described by the panel
2 dealing with renewal when they deal with site
3 preparation.

4 That particular activity requires special
5 organization of forces to carry out the activity and
6 that organization is reflected or set out in what is
7 called an Operational Plan. It is a document which
8 will tell or convey information as to where things are
9 going to occur, in case of a fire -- a prescribed burn,
10 where will you in fact have this prescribed burn, under
11 what conditions will that prescribed burn occur, safety
12 provisions which should be taken, and the objectives of
13 actually engaging in that activity.

14 The next panel will deal with annual
15 planning procedure for --

16 THE CHAIRMAN: Mr. Freidin, I think it is
17 about time for a break. Perhaps we could stop you
18 there before you go on to the next panel and come back
19 after a 20-minute break.

20 The Board will return at 11:20 a.m.

21 ---Recess at 11:00 a.m.

22 ---Upon resuming at 11:30 a.m.

23 THE CHAIRMAN: Thank you, ladies and
24 gentlemen. Please be seated.

25 We have spoken to the management to try

1 and get some heat on in here before we all freeze to
2 death, so hopefully that will be rectified shortly.

3 And before we start the afternoon
4 session, I will have some announcements to make in
5 terms of the possibility of some reduced air fares that
6 the Ministry has been able to -- Ministry of Natural
7 Resources has been able to arrange through a particular
8 travel agent for coming in and out of Toronto and some
9 other locations throughout the province as well.

10 So those of you who may wish to take
11 advantage of this will be able to do so, and I will
12 give you the information before we start the afternoon
13 session.

14 Could you go on, Mr. Freidin.

15 MR. FREIDIN: Before I go on and describe
16 very briefly the evidence in relation to Annual
17 Planning Procedure for Protection Operations, one point
18 that I should have made in relation to these plans,
19 they are not prepared only by the Ministry. Timber
20 management plans are prepared both by ministries, the
21 Ministry of Natural Resources, and by the forest
22 industry companies, and who prepares the plan varies
23 depending on the type of management unit that you have.

24 If it is a company management unit or a
25 forest management agreement area, in those cases, the

1 company prepares the plan. In the case of Crown
2 management units, the Crown or the Ministry prepares
3 the plans. The important thing about each of those
4 plans is, however, that each of them must be approved
5 by the Ministry of Natural Resources before any of the
6 activities referred to therein can be implemented.

7 If I could then refer to subparagraph e)
8 or item e), Annual Planning Procedure for Protection
9 Operations. The evidence of that particular panel
10 will, in fact, describe the annual procedure in
11 relation to protecting the forests from insects and
12 disease. That procedure is an annual one because of
13 the inability to predict, in all cases, well in advance
14 when those sorts of outbreaks will occur.

15 The special provisions or special
16 notifications when, in fact, there is going to be
17 aerial applications of insecticides will also be
18 described.

19 In terms of the last item, Renewal and
20 Amendment of Timber Management Plans. As I indicated
21 earlier in my address, there is a necessity to have in
22 timber management planning provisions whereby plans can
23 be amended within the term, within the five-year term
24 of the plan.

25 As I have indicated - and I don't really

1 believe I can say too much - the forest is always
2 changing and is dynamic. You have got to have the
3 flexibility to amend your plans when, in fact, either
4 due to changes brought on by nature or changes in the
5 marketplace, and a procedure has been developed by the
6 Ministry which provides for three different categories
7 of amendments: major amendments, minor amendments, and
8 administrative amendments.

9 There are different processes, different
10 sorts of public involvement in relation to each type of
11 amendment, and those differences will, in fact, be
12 described.

13 The 16th panel, again, may be broken up
14 into more than -- oh, pardon me. An important matter
15 in relation to the planning process or timber
16 management planning is that real life examples are
17 going to be used to demonstrate the implementation of
18 the process. We will be presenting evidence in
19 relation to actual timber management plans or portions
20 thereof which have been prepared in accordance with the
21 planning process which will be described in Panel No.
22 15.

23 In that way, the Ministry hopes to
24 demonstrate that the planning process that it is
25 putting forward is one which in fact does work, is one

1 which has the ability and, in fact, results in the
2 resolution of conflicts or competing interests between
3 people who want to obtain different things from the
4 same land area.

5 In relation to Monitoring, then, if I
6 could move on. The panel will describe two types of
7 monitoring. One type called compliance monitoring, one
8 type called effectiveness monitoring, and it will
9 describe those two types of monitoring in relation to,
10 firstly, the timber resource itself; and secondly, in
11 relation to management prescriptions and practices
12 which are put into plans for the purpose of protecting
13 other values.

14 In terms of compliance, the sorts of
15 things that one would -- or the sorts of things which
16 will be discussed - and this applies to both compliance
17 for timber and compliance with the provisions of plans
18 which are directed to protecting other values - are
19 things such as cut inspections where actual inspections
20 are made in the field in relation to the activities
21 which are on-going; contract administration, and that
22 refers to the practices -- the measures taken by the
23 Ministry to ensure when third party contractors engage
24 in any of these activities that they are doing so in
25 accordance with the contracts which must be implemented

1 in environmentally sound ways.

2 In terms of the effectiveness of timber
3 management or the tree aspect of the environment, there
4 will be evidence in relation to documents called
5 Silvicultural Guides. Those are documents I referred
6 to very briefly before, but they are documents which
7 relate to specific species of trees and which provide
8 guidance to the forest manager or the unit forester in
9 making decisions about how best to conduct operations
10 in certain types of areas when you are dealing with
11 certain types of species.

12 At the moment, there are a number of
13 these Silvicultural Guides being updated and evidence
14 will be tendered in relation to those updated
15 guidelines as well.

16 In terms of establishing the
17 effectiveness of timber operations in relation to the
18 timber resource itself, there are three types of
19 surveys which can be done to assess or how well you are
20 doing in terms of regenerating areas.

21 In relation to artificial regeneration,
22 there are things called survival assessments which will
23 indicate -- which are done early in the life of a new
24 crop, the first or second year; indicate how in fact
25 the crop that you planted is surviving.

1 There are stocking assessments which are
2 done around the five- to 10-year period to see how well
3 your crop is doing. That is -- the survival and
4 stocking assessments are categorized as condition
5 surveys.

6 And there are free-to-grow surveys which
7 are examinations which are made of the condition of
8 newly regenerating areas of the forest to see whether
9 they are at an age where in fact -- whether they meet
10 certain conditions, including conditions of being free
11 to grow -- pardon me, free from competing vegetation.
12 Those surveys will, in addition, be described.

13 And, actually, Mr. Chairman, those three
14 particular type of assessments or surveys which relate
15 to effectiveness will be discussed and probably
16 described in most of its detail in Panel No. 4.

17 Something I didn't refer to in Panel No.
18 4 is the one that deals with wood supply and that
19 particular panel and the witness statement for that has
20 been distributed to the parties, will deal with those
21 particular types of assessments.

22 In terms of monitoring the effectiveness
23 of the provisions which are meant to protect other
24 values, the Ministry will explain or lead evidence
25 about a program which is being developed with a firm of

1 consultants known as Ecological and Social Systems
2 Analysts Limited, and that is a program which is
3 developing approaches to monitoring or the
4 effectiveness of the three Provincial Guidelines that I
5 referred to earlier; the three being the ones in
6 relation to fish habitat, moose habitat and tourism
7 values.

8 It may be that the evidence in relation
9 to this particular monitoring program will get moved up
10 into an earlier panel and, of course, if that happens,
11 we will advise everyone involved.

12 THE CHAIRMAN: Mr. Freidin, you
13 mentioned -- or I took you to mention that you have
14 distributed the witness statements for Panel 4?

15 MR. FREIDIN: Yes, that's correct.

16 THE CHAIRMAN: When did that occur? I do
17 not think the Board got them yet.

18 MR. MANDER: Yes, we have got them.

19 THE CHAIRMAN: Sorry, we did get them?

20 MR. MANDER: We have got them.

21 THE CHAIRMAN: Okay. I am sorry.

22 MR. FREIDIN: In terms of the relation to
23 the entire matter of monitoring, you will note in Item
24 No. 4 of the outline that the Ministry will be
25 proposing amendments - or proposing to government -

1 amendments to the Crown Timber Act which will relate to
2 a number of matters, including enforcement of
3 provisions set out in the timber management plans and
4 that particular topic will be touched upon by this
5 panel.

6 And the last panel, Mr. Chairman, will
7 deal with alternatives to the undertaking, and the
8 panel will describe the alternatives which are outlined
9 in the Environmental Assessment document and indicate
10 why the Ministry has chosen the undertaking of timber
11 management as being the most appropriate means of
12 achieving the purpose of the undertaking.

13 This panel will also outline the
14 Ministry's reasons for the use of the class
15 environmental assessment approach and will be outlining
16 the proposal for the review of the approval of its
17 environmental assessment five years after that
18 approval.

19 I think those are my submissions.

20 THE CHAIRMAN: Thank you, Mr. Freidin.

21 Well, I suppose at this point we can
22 proceed on to the opening statement of some of the
23 other parties.

24 Perhaps it might be just as well to more
25 or less follow the order that we will probably be

1 following in terms of presenting the evidence and move
2 on to other parties in support. And I suppose we have
3 the forestry associations and we have the timber
4 companies as well.

5 Perhaps we could start with you, Mr.
6 Cosman, if you are going to represent this.

7 MR. COSMAN: Thank you, Mr. Chairman.

8 Mr. Chairman, in our opening I propose to
9 describe who our clients are, what their interests are
10 in this proceeding, and to briefly describe the various
11 positions that we will be advancing.

12 The Ontario Forest Industry Association
13 is comprised of 25 companies which are the forest
14 industry's principal timber harvesters, pulp and paper
15 manufacturers, and lumber, vaneer and waferboard
16 operators in Ontario.

17 It is an Association, as is the Ontario
18 Lumber Manufacturers Association, and that second
19 Association is comprized of 49 companies, they are saw
20 mill and industrial remanufacturing companies. The
21 Lumber Manufacturers Association has many of the
22 family-owned saw mills in the province as members.

23 Members of the Associations carry out
24 operations throughout the area of the undertaking as
25 defined by the Class Environmental Assessment document.

1 They have a substantial presence in many northern
2 communities; such communities as: Fort Frances,
3 Kenora, Dryden, Thunder Bay, Terrace Bay, Hearst,
4 Kapuskasing, Chapleau, Timmins, Kirkland Lake, Sault
5 Ste. Marie, Espanola, Sturgeon Falls and Pembroke.

6 Through licences granted by the Ministry
7 of Natural Resources pursuant to the Crown Timber Act,
8 members of the Associations carry out harvesting and
9 renewal operations on forested lands throughout
10 northern Ontario.

11 The total area across the province that
12 is subject to licences granted to members of the
13 Associations amounts to more than 166,000 square
14 kilometres of productive Ontario forest lands, the bulk
15 of it owned by the provincial Crown.

16 Now, Mr. Chairman, the Environmental
17 Assessment Act contains a definition of the environment
18 which includes the social and economic conditions that
19 influence the community. So when you are considering
20 in this matter the environmental impact, you must
21 consider the social and economic conditions that
22 influence the communities that are affected by this
23 proposal.

24 Now, the significance of the forest
25 industry to the social and economic life of Ontario

1 must be considered, and some of the facts which we will
2 be leading evidence to establish are as follows:

3 Firstly, Ontario's forest industry
4 provides employment for 214,000 people. Next,
5 Ontario's forest industry competes, competes in a
6 highly competitive international market. The selling
7 value of products shipped by the Ontario forest
8 industry is estimated at \$9.1-billion a year exclusive
9 of the products of furniture manufacturing.

10 Every cubic metre of wood utilized by the
11 Ontario forest industry contributes an estimated \$150
12 to the gross provincial product. About one person in
13 in Ontario's manufacturing labour force is engaged
14 in some aspect of the forest industry, whether
15 harvesting, saw mill operations, pulp and paper
16 production, or other woodworking processes; that is one
17 person in 13.

18 Ontario's forest industry and its
19 employees pay directly and indirectly more than
20 \$993-million a year in municipal, provincial and
21 federal taxes including \$118-million directly to the
22 provincial government in various charges.

23 The forest industry's expenditure for
24 goods and services to support its woodland and mill
25 operations runs to more than \$5.3-billion a year.

1 Ontario's domestic exports of wood and
2 paper products were worth \$3.4-billion in 1986,
3 approximately one fifth of the total for Canada, and I
4 hope to have more up-to-date figures later in this
5 proceeding.

6 Now, Mr. Chairman, you will hear in the
7 evidence that - and perhaps as an introduction - that
8 in the 19th century, in the early part of this century,
9 harvesting and renewal operations on Crown lands in the
10 province were entirely the responsibility of the forest
11 industry. Since the late 1940s, however, there have
12 been a number of changes to the regulatory framework
13 governing Crown Lands.

14 Under the present regulatory regime,
15 silviculture or regeneration of the forest is primarily
16 the responsibility of the Ministry of Natural
17 Resources, as you have heard. In the past ten years
18 the provincial government, through the Ministry, has
19 signed a number of Forest Management Agreements with
20 respect to various tracts of lands within the area of
21 the undertaking.

22 Those agreements are contractual
23 agreements between the Crown and the companies under
24 which the companies are given responsibility for
25 planting, harvesting, regeneration and other

1 silvicultural activities, as well as the provision of
2 access roads subject to the review and approval of the
3 Ministry of Natural Resources.

4 As of July, 1987, the industry and the
5 provincial government had entered into 30 Forest
6 Management Agreements covering some 177,000 square
7 kilometres of Crown lands within the province or 69 per
8 cent of the total licensed area. Those agreements are
9 subject to review by the Ministry of Natural Resources
10 on a five-year basis.

11 So far, seven of those agreements have
12 come up for review and the conclusion of the Ministry
13 of Natural Resources has been that the companies
14 concerned met all of their obligations under the
15 agreements with the exception of harvesting plans which
16 were not fully implemented in several instances.

17 The Ministry has also concluded that the
18 companies involved have shown a strong degree of
19 commitment to the process and have developed a number
20 of new techniques to deal with the challenge of
21 managing both harvest and regeneration.

22 Mr. Chairman, I propose to present at
23 this time a number of the positions that we will be
24 advancing.

25 Firstly, that the Forest Management

1 Agreement concept has worked well and it serves the
2 interests of all users of the forests and the people of
3 Ontario.

4 Secondly, that the Associations concur in
5 the class environmental assessment approach as both
6 workable and practical.

7 Thirdly, the Associations recognize and
8 support the legitimate interests of non-industry forest
9 users.

10 To put it very simply, the Associations
11 unequivocally support the concept of integrated
12 resource management and believe that the industry has a
13 good record of accommodating those interests to date in
14 a responsible and capable fashion. Within the general
15 framework laid out in the Class Environmental
16 Assessment document, the Associations believe they can
17 continue to do so.

18 Fourthly, the Associations support the
19 position of the Ministry of Natural Resources as set
20 out in the Review document, that matters of broad
21 policy are the responsibility of government and, in
22 particular, Cabinet, and that this hearing should not
23 deal with such broad policy issues as provincial
24 production policy, the nature and adequacy of the
25 provincial forest inventory and decisions as to which

1 companies in the forest industry will be granted
2 licences in specific areas.

3 It is our submission - and we support the
4 Ministry in that regard- those are matters outside the
5 ambit of this environmental process and if they were
6 somehow brought in we would be looking at three or four
7 years rather than one to two.

8 Fifthly, it is the position of the
9 Associations that the class environmental assessment
10 meets the requirements of Section 5(3) of the
11 Environmental Assessment Act contrary to positions that
12 have been stated in the Review document by certain
13 staff members of the Ministry of the Environment.

14 The Associations cannot support proposals
15 which would unnecessarily restrict or prevent directly
16 or indirectly the orderly, economical carrying out of
17 the proposed undertaking.

18 Both the short- and long-term interests
19 of the forest industry and the province are to maintain
20 an assured supply of wood at reasonable cost. The
21 industry is convinced that with the experience of the
22 last seven years in particular - with the Forest
23 Management Agreement concept having been tried and
24 having been successfully implemented - that this can be
25 achieved and maintained at a level which is

1 economically viable, internationally competitive and,
2 yet, has due safeguards for the environment.

3 We strongly support the position of the
4 Ministry that these objectives can only be met and
5 maintained if the process remains flexible and time
6 efficient.

7 Sixthly, it is the position of the
8 Associations that the identification and evaluation of
9 environmental issues must be based on sound scientific
10 principle.

11 It is further the Associations' position
12 that the implementation of environmental protective
13 measures must also be based on sound scientific and
14 risk assessment principles. Such measures as are
15 implemented must be economically practicable and free
16 of process manipulation.

17 In conclusion, Mr. Chairman, the
18 Associations welcome the opportunity to participate in
19 this process and to present their position on various
20 issues throughout the course of this hearing.

21 The Associations trust that they will be
22 able to demonstrate to you and to the people of this
23 province that their members remain committed to
24 environmentally sound timber management practices as
25 well as to the maintenance of the economy of northern

1 communities and the province as a whole.

2 Thank you.

3 THE CHAIRMAN: Thank you, Mr. Cosman.
4 Mr. Cotton?

5 MR. COTTON: Mr. Chairman, I appear for
6 Boise Cascade Canada Ltd. Boise is an integrated
7 forest products company engaged in the production of
8 pulp and paper at two principal locations in
9 northwestern Ontario; in Kenora and Fort Frances. They
10 also operate a tie and stud mill in Keewatin, Ontario.

11 The company employs in excess of 900
12 people in their direct manufacturing operations in Fort
13 Frances, and over 800 people at the newsprint mill in
14 Kenora.

15 In each location, Boise is the principal
16 employer in the community and considerable capital
17 expenditures have been invested in the area. In the
18 period 1982 to 1985, for example, the company invested
19 over \$300-million in the two pulp and paper complexes.

20 I would note, Mr. Chairman, that of the
21 14 locations that you have proposed to visit in the
22 course of the satellite hearings, five of them: Red
23 Lake, Fort Frances, Kenora, Sioux Lookout, and Dryden
24 are directly or indirectly dependent upon the forestry
25 and manufacturing activities of the company. We,

1 therefore, have a considerable interest in these
2 proceedings.

3 I should say that we welcome you, on
4 behalf of the company, to your visits to those
5 communities to assess directly the impact on the
6 communities and the forests which surround them.

7 As we have indicated to you previously,
8 we generally support the position of the Ministry of
9 Natural Resources in the Class Environmental Assessment
10 document and the undertaking.

11 It would be somewhat premature for us to
12 outline our participation for you at this time;
13 however, we can agree substantially and wholeheartedly
14 with the six position points that Mr. Cosman has just
15 outlined for you.

16 In regard to our participation at the
17 hearings themselves, Mr. Chairman, we intend to monitor
18 the proceedings on a daily basis from a distance and
19 will participate directly in the hearing to the extent
20 that specific matters are of concern to Boise Cascade.

21 Thank you, Mr. Chairman.

22 THE CHAIRMAN: Very well. Thank you, Mr.
23 Cotton.

24 Mr. Sanford?

25 MR. SANFORD: Yes, sir.

1 Mr. Chairman, my ambition is to be even
2 briefer than my partner.

3 I appear today for Kimberly-Clark and for
4 Spruce Falls. Now, in this part of the world
5 Kimberly-Clark, of course, is a well-known entity. The
6 Board will appreciate that they have a significant
7 facility in Terrace Bay and they have cutting rights in
8 the Long Lac area. They have generally a major
9 interest in the forest industry and, of course,
10 world-wide a very large corporation indeed.

11 Spruce Falls is less well known. That
12 company is owned in part by Kimberly-Clark and in part
13 by the New York Times.

14 It is, I think, perhaps not widely known
15 that all the news that's fit to print is printed on
16 Canadian newsprint.

17 The operations of Spruce Falls, both the
18 cutting operations and the mill, are located in
19 Kapuskasing.

20 As the Board will appreciate, these two
21 corporations have an interest very similar to the
22 interest represented by Mr. Cosman's client, albeit
23 there may be matters which are of special interest to
24 our two clients, and so the position I take is very
25 similar to Mr. Cosman's.

1 From time to time, I or one of my
2 colleagues will attend before the Board, we will
3 certainly not be in regular attendance. We will, as my
4 partner said, watch very closely from a considerable
5 distance and appear here as and when it is appropriate
6 and useful.

7 The position taken is generally
8 supportive of the Ministry of the Environment -- the
9 Ministry of Natural Resources.

10 As Mr. Campbell said yesterday, it is
11 inconceivable that anybody in analysing a very
12 extensive document would agree with every single word,
13 but there is general, broad extensive support from my
14 client, and I adopt and will not repeat any of the
15 submissions just made very forcefully and effectively
16 by Mr. Cosman.

17 So having said that, I thank you.

18 THE CHAIRMAN: Thank you.

19 Is Mr. Scott here?

20 (No response)

21 Mr. Babcock we heard from yesterday. Is
22 there anybody that wishes to make an opening statement
23 in support, generally, of the proposed undertaking?

24 (No response)

25 Very well. I think we can now move on to

1 those parties who are generally in opposition and
2 perhaps we could start with you, Mr. Hunter, if you are
3 prepared.

4 MR. HUNTER: Mr. Chairman, I am quite
5 pleased and prepared to go first, however, I hope it
6 doesn't become a habit.

7 I have spoken to some of the other
8 colleagues in that group and we have talked about the
9 notion that perhaps we'd alternate in terms of
10 cross-examination and leading evidence. Although I
11 welcome the opportunity of going first, but I hope it
12 is not a habit.

13 THE CHAIRMAN: I do not want it to be
14 understood that the order that we are using for these
15 opening statements will necessarily be the order for
16 presentation or cross-examination. We will deal with
17 that after the opening statements have been completed.

18 MR. HUNTER: Thank you, Mr. Chairman.

19 I am going to be very brief. I would
20 refer you and the Board to the comments made to you by
21 Mr. Fox in Thunder Bay. Those comments are found at
22 pages 263 to 267 of the transcript for Wednesday,
23 February 3, 1988, in Volume III, and I think those
24 comments identify the clients and identify the
25 interests.

1 At this time, Mr. Chairman, my directions
2 are quite clear with respect to a matter that Mr.
3 Freidin raised and that concerns treaty and aboriginal
4 rights. My instructions are to stay away from that
5 issue.

6 Mr. Fox, in his address to you in Thunder
7 Bay, stated:

8 "That we as a tribal council are not here
9 to speak to the Board about our
10 self-government rights, the rights which
11 we believe are inherent because of the
12 simple fact that we were here first. We
13 are not here to speak about our treaty or
14 aboriginal rights, we are here to
15 participate in a quasi-judicial forum
16 whose decisions will shape the future of
17 timber forestry activities in northern
18 Ontario."

19 As we have heard today, the Ministry of
20 Natural Resources will lead evidence on behalf of the
21 Government of Ontario with respect to such issues.

22 I confess some surprise and I am
23 certainly intrigued by this development. I can make no
24 further comments on this, obviously, until I have
25 spoken to my client, but I believe that this will

1 substantially affect the nature of our participation in
2 this hearing.

3 To some specific substantive matters, we
4 strongly disagree with the position of the Ministry of
5 Natural Resources; that impacts arising from timber
6 management activities on native communities can be
7 dealt with at the local level only.

8 We will challenge strongly the
9 assumptions and the assertions found in part at Page 7,
10 lines 13 to 36, at Part I of the Assessment Document
11 where we believe that the Ministry of Natural Resources
12 has set out its categorization of the native interests
13 and their reaction to it.

14 THE CHAIRMAN: Mr. Hunter, would you mind
15 just repeating that reference, please?

16 MR. HUNTER: I apologize, Mr. Chairman.
17 Page 7, lines 13 to 36 of Part I of the Assessment
18 Document.

19 THE CHAIRMAN: Thank you.

20 MR. HUNTER: We are of the view that the
21 Ministry of Natural Resources is very, very wrong.

22 We are of the view that the
23 identification of and the discussion of substantive
24 impacts of timber management practices on native
25 communities and the mitigation of such impacts ought to

1 have been addressed in the Class Assessment document
2 and we will strive to try to persuade you that such
3 concerns will be incorporated into that document.

4 In addition, we will seek substantial
5 changes to the Ministry's proposed planning procedures
6 in order to enhance native involvement in planning and
7 to ensure a better opportunity to mitigate the negative
8 aspects of forestry. I say that, Mr. Chairman, in the
9 context of Mr. Fox's statement to you which is one that
10 says we are not opposed to resource development, but
11 that development must benefit the native communities.

12 We will lead evidence from traditional
13 native community users through panels, through native
14 leaders and environmental planners to identify the
15 present inadequacy of the timber management plan
16 process and we will identify areas where native
17 interests have been substantially damaged.

18 Further, we will lead evidence to show
19 that that proposed Class EA does not rectify these
20 severe problems which occur on the ground.

21 Thirdly, evidence will be lead on the
22 substantive impacts of timber management practices on
23 native communities and on the environment, and evidence
24 will be lead with respect to amendments to the Class
25 Assessment document that we feel are required to deal

1 with these impacts.

2 Thank you, Mr. Chairman.

3 THE CHAIRMAN: Thank you, Mr. Hunter.

4 Calling Mr. Castrilli.

5 MR. CASTRILLI: Thank you, Mr. Chairman,
6 good morning members of the Board.

7 I'm going to briefly summarize who the
8 clients are, although at your preliminary proceedings
9 in February that was more substantially and
10 comprehensively set out.

11 Secondly, I'm going to deal with what the
12 position of Forests For Tomorrow is; and thirdly, I'll
13 briefly summarize what our evidence would be and what
14 we would be focusing on over the next one to two years,
15 I suspect.

16 Forests For Tomorrow is a coalition of
17 five conservation groups. The membership of the
18 coalition is as follows: The Wildlands League,
19 established in the 1960s; the Sierra Club of Ontario,
20 established in 1971; the Federation of Ontario
21 Naturalists, established in 1931 with over 70 federated
22 groups across the province from Thunder Bay to Kirkland
23 Lake, from Windsor to Ottawa; the Timiskaming
24 Environmental Action Committee, established in 1978;
25 and the Botany Conservation Group, established in 1979.

1 As I indicated a moment ago, the
2 descriptions of each of these groups, their interests
3 and their activities were filed as an exhibit to the
4 procedural hearings of the Board in February, 1988 in
5 Thunder Bay.

6 The coalition has a steering committee
7 made up of members of each of these five organizations;
8 and Mr. Don Huff who is with me today, is the chairman
9 of that steering committee as well as Environment
10 Conservation Director of the Federation of Ontario
11 Naturalists.

12 In a nutshell, the coalition's position
13 is as follows: It is dedicated to forestry reform and
14 it does not come before this Board with the purpose of
15 stopping forestry operations in Ontario, or of
16 rendering forestry non-economic so as to cause loss of
17 employment but, rather, its purpose is to ensure that
18 forestry in this province will be conducted on
19 environmentally sound principles at long last.

20 It is the position of the coalition that
21 the approach the Ministry of Natural Resources has
22 taken with this Class Environmental Assessment document
23 constitutes an attempt to entrench the status quo in
24 timber mining in Ontario's forests in which the
25 Environmental Assessment Act, in our opinion, will

1 have a marginal impact on how and where forestry
2 operations and practices are conducted.

3 I want to briefly go over with you the
4 position of the coalition with respect to this
5 environmental assessment and then I will go over
6 briefly the evidence we will be leading.

7 As you have heard, and undoubtedly
8 already know, in many respects this environmental
9 assessment is different from any other that has been
10 brought before the Board to this time.

11 Firstly, it is an assessment not on a
12 specific project, but on the topic of resource
13 management; the management of one of the more
14 important national and provincial resources. It is
15 also an assessment of an entire industry and of the
16 government department which regulates that industry.

17 Secondly, the scale of the undertaking
18 and the number and complexity of issues entailed in
19 examining it involves a multitude of scientific
20 disciplines including social, economic and political
21 considerations that occurs on approximately 50 per cent
22 of the land mass of the Province of Ontario. And that
23 figure, by the way, Mr. Chairman, comes from page 52 of
24 the Class Environmental Assessment.

25 The third difference between this

1 environmental assessment and others arises from the
2 proponents of the class environmental process which
3 results in a extremely general and vague drafting of
4 the environmental assessment with a dirth of concrete
5 examples to test the accuracy or completeness of the
6 generalities that are put forward.

7 To cite only one example for you: the
8 proponent has provided a description of 50 per cent of
9 the land area of the Province of Ontario limited to two
10 and one half pages of text in the Environmental
11 Assessment document itself, with no information about
12 the enormous variations in ecology or sites within the
13 province and, in fact, there is almost no reference to
14 forest ecology at all.

15 The fourth difference between the
16 structure of this environmental assessment and others
17 arises from the numerous planning manuals, guidelines,
18 policies that have been developed by the Ministry over
19 the years which the Ministry considers necessary for
20 carrying out this undertaking.

21 However, the Ministry would appear to
22 take the position that these essential documents do not
23 infract or form a part of the environmental assessment
24 and, in fact, are not being sought -- are not in fact
25 being requested to be approved by is Board.

1 The coalition considers that the use of
2 the class environmental assessment approach to an
3 undertaking as diverse and extensive as forestry in
4 Ontario has been inappropriate from the beginning, but
5 as the coalition values the hearing process, the public
6 hearing process, we believe that it is in the public
7 interest to proceed with the hearing at this time.

8 As a result, however, we believe that the
9 Board will face numerous procedural and substantive
10 questions arising from the use of this approach,
11 including the degree to which the myriad of subordinate
12 documents and policies within the Ministry of Natural
13 Resources should, in fact, be the subject of Board
14 approval as a part of this assessment.

15 And, finally, a further important
16 difference between this assessment and others is that
17 we are in the peculiar situation - due to the 12 years
18 it has taken this matter to get to hearing - that the
19 planning process, subject to approval by this Board,
20 has, in fact, already been implemented by the
21 proponent. My friend Mr. Friedin, in fact, referred to
22 that again in his opening comments and that, of course,
23 has taken place without the Board's approval.

24 We are, therefore, in the position of
25 having concrete examples of the process and it is the

1 position of the coalition that examination of these
2 actual management plans and the processes by which they
3 were provided to the Board would be, in fact, the best
4 evidence available to determine whether the planning
5 process the Ministry has implemented and outlined in
6 the environmental assessment will, in fact, achieve the
7 purposes that are consistent with the Act itself.

8 I believe these examples will illustrate
9 that the actual process more clearly and accurately
10 will be exemplified for the purposes of describing what
11 really takes place on the ground than the general and
12 vague descriptions of the process we have in the
13 environmental document itself.

14 Now, Mr. Chairman, as you are aware, the
15 environmental assessment before you is, in fact, the
16 fifth re-write of the Class Environmental Assessment
17 and I would believe that it will be helpful for the
18 Board to be aware that the first three editions of the
19 document were assessments of "Forest Management in
20 Ontario" and not merely timber management.

21 A change of title and orientation from
22 the forest management concept to the timber management
23 concept is indicative of the narrowing of the issues
24 that have occurred over the 12 years it has taken to
25 prepare this document and get to this first or second

1 day of hearing.

2 It is also the position of the coalition
3 that the Board's jurisdiction from the Environmental
4 Assessment Act determines that the Board's examination
5 of timber management must encompass the environment in
6 which timber management takes place and that is, of
7 course, the forest environment.

8 And, as the Board is aware, of course,
9 the definition of environment in the Environmental
10 Assessment Act is extremely broad and we think,
11 therefore, that inevitably what this Board will in fact
12 be dealing with is the question of forest management
13 and not simply timber management. And, more
14 importantly, what the impacts on the forest environment
15 will be from timber management activities.

16 I want to talk briefly about the evidence
17 we will be bringing forward over the -- well, it won't
18 be this year, I suspect it will be next year.

19 As you are quite aware, it is not
20 possible -- or would not be possible to outline in
21 detail what the evidence would be given the scale of
22 the case the Ministry of Natural Resources proposes to
23 bring forward. Indeed, all we have had up to now is
24 the Environmental Assessment document itself and the
25 Timber Management Planning Manual and we now have the

1 first four panel statements of evidence from the
2 panels.

3 Undoubtedly, our evidence will probably
4 expand rather than contract once we get to it next
5 year. But keeping that in mind, we would just remind
6 you that at the preliminary hearings Mr. Hunter
7 indicated that this would be one of the problems with
8 the class environmental assessment approach itself.

9 In general with respect to our evidence,
10 we contend that the management process outlined in the
11 Class Environmental Assessment Manual does not and will
12 not protect the environment in which timber management
13 occurs. And that, therefore, makes the assessment
14 inconsistent with Section 2 of the Environmental
15 Assessment Act which are the protection, conservation
16 and wise management in Ontario of the environment.

17 For the purposes of my opening statement
18 this morning, I am just going to outline ten areas of
19 evidence we will be bringing forward at the appropriate
20 time.

21 Firstly: The evidence will indicate the
22 inadequacies of the base line data, the inventories and
23 the census that were taken on which the planning
24 management process is based, including beginning with
25 the forest resource inventory. The Board will also

1 learn of the virtual non-existence of inventories of
2 other botanical and wildlife species in the forest
3 environment and that would include both game and
4 non-game wildlife.

5 Secondly: The Board will hear evidence
6 that the Board will hear evidence that the planning
7 process fails to recognize the enormous diversity of
8 ecological and site conditions in Ontario forests, but
9 is rather a singular cookbook approach with a lack of
10 attention to the need for site-specific decision
11 making.

12 Thirdly: The Board will hear evidence
13 that the planning process fails to recognize and
14 control the impacts of particular forestry practices on
15 the environment; practices including large area
16 clearcutting and that this failure is leading, in some
17 instances, to the long-term decline and productivity of
18 our forest lands with reduced or failed regeneration.

19 Fourthly: The Board will hear evidence
20 that the use of herbicides has the potential for
21 reducing the diversity of our forests ecology and that
22 the alternatives that do exist for vegetation
23 management have not, in fact, been addressed by the
24 proponent in its environmental assessment.

25 Fifthly: The Board will hear evidence of

1 the virtual absence of economic analysis in the timber
2 management planning process for any given management
3 unit, and a province-wide perspective on economics of
4 the proponent that is simply simplistic and oriented
5 only to timber extraction and completely devoid of a
6 comprehensive appreciation of the potential economic
7 values of the forest.

8 Sixthly: The evidence will also show
9 that there are deficiencies with regard to
10 economics that apply even more dramatically in the
11 socio-economic context, including the impacts of timber
12 management and its effects on community stability.

13 Seventh: The Board will hear evidence on
14 the Ministry's approach to integrated resource
15 management. As the Board is aware, the concept of
16 IRM as it is called, is concerned with what has been
17 described as non-timber values including tourism,
18 recreation, heritage issues, aesthetics, scientific
19 values, wildlife and botanical values.

20 The concept of non-timber values, as the
21 Board will learn, is a term that is used by Dean Gordon
22 Baskerville whose audit of the Ministry will be before
23 the Board, no doubt, and which was severely critical of
24 the Ministry's failure to manage non-timber values to
25 any measurable objectives.

1 The evidence we will be adducing will
2 show that this enormously important range of values of
3 the forest environment consistently receives negligible
4 protection in the current context of forestry
5 operations and timber planning and will continue to
6 receive negligible protection if the environmental
7 assessment produced by the Ministry of Natural
8 Resources is approved in its current form.

9 Eighth: The Board will hear evidence
10 about gaps in the process and by that, I mean,
11 essentially two types of gaps. Firstly, a gap between
12 the theory of timber management planning as presented
13 in the environmental assessment as compared to the
14 experienced realities of the planning process itself.

15 Secondly, under this eighth heading, the
16 Board will hear evidence about gaps between timber
17 management plan which emerges at the end of the
18 planning process and what subsequently occurs on the
19 ground.

20 As I noted before, since the management
21 approach outlined in the Environmental Assessment
22 Manual is currently being implemented, the Board will
23 have the advantage of hearing the best evidence
24 possible on the effectiveness and the reliability of
25 the process before it through an examination of

1 contemporary on-the-ground examples.

2 Now, on this issue - as on many others -
3 we consider that the evidence will be most helpful to
4 the Board in evaluating the suitability of the timber
5 management plan outlined by the Ministry of Natural
6 Resources and because there will, in fact, be evidence
7 from site-specific examples.

8 Ninth: The proponent has a long history
9 of implementing various types of public participation
10 programs and, in some areas, has implemented the
11 program outlined in the Environmental Assessment
12 document itself. The evidence we will be adducing will
13 indicate from specific examples, as well as expert
14 perspectives on these processes, substantial
15 deficiencies in the approach proposed by the proponent.

16 Tenth: There are numerous examples that
17 arise - that will be examined in the evidence - from
18 the structure and drafting of the Class Environmental
19 Assessment document, from its content or lack thereof,
20 from the stated description and purpose of the
21 undertaking, to the reduction of timber management, to
22 access, harvest, renewal, regeneration, maintenance,
23 and to the alternatives selected for analysis to the
24 minimum range of environmental impacts generally
25 referred to.

1 Because of this, we consider that a
2 comparison of the document - the Class Environmental
3 Assessment produced by the Ministry - should be
4 compared, in fact, to the environmental assessment
5 documents with respect to forestry in other
6 jurisdictions and, in fact, will be of assistance to
7 the Board in evaluating the acceptability of the
8 proponent's approach. We will, in fact, be bringing
9 forward such evidence.

10 In conclusion, Mr. Chairman, it is the
11 position of the coalition that the proponent's approach
12 constitutes an attempt to entrench the status quo in
13 timber extraction and to minimize the influence on
14 timber operations of the Environmental Assessment Act
15 and that the result will be no significant movement to
16 environmental protection.

17 As the representatives of the Ministry of
18 Environment commented in a memo which is actually
19 contained in now Exhibit 5 to these proceedings at Page
20 127, which is a Review of the Ministry of Natural
21 Resource's 1985 Class EA:

22 "The need for flexibility is evident,
23 however, our major concern is that the
24 Class EA does not provide sufficient
25 details on nor commitments to the

1 identification and mitigation of
2 potential adverse environmental effects."

3 The paragraph goes on for some length and
4 I won't read it all into the record. It is at Page 127
5 of Exhibit 5.

6 And, as I indicated, those comments were
7 written with regard to the 1985 version of the Class
8 EA. It is our view, and it is the position of my
9 clients, that they are equally applicable in the 1987
10 version which is before the Board.

11 As the Board is aware, this version was
12 reviewed by the Ministry of Environment in its
13 December, 1987 Review and the Ministry continued to
14 conclude that the class environmental assessment does
15 not meet the requirements of Section 5(3) of the
16 Environmental Assessment Act.

17 As I noted at the outset, the coalition
18 is dedicated to forestry reform and doesn't come before
19 the Board with the purpose of stopping forestry
20 operations in Ontario, but rather to require that they
21 be conducted on sound forestry -- sound environmentally
22 sustainable practices and principles.

23 And we believe that the evidence will
24 show that only that approach will satisfy the purposes
25 of the Environmental Assessment Act and ensure that the

1 forests are managed properly for all values in them and
2 will also assure long-term, sustainability of the
3 resource.

4 Those are my submissions.

5 THE CHAIRMAN: Thank you, Mr. Castrilli.

6 Ladies and gentlemen, I think the Board
7 will break for the lunch hour. We will return at two
8 o'clock. I think at that time we will start with Mr.
9 Williams, after we make some short announcements.

10 MR. CAMPBELL: Mr. Chairman, I wonder
11 just before you break for lunch if it would be
12 appropriate for me to ask the parties -- counsel for
13 the parties to consider over lunch and be in a position
14 after lunch to advise as to how long they expect to be,
15 both Mr. Freidin in chief and others in
16 cross-examination.

17 It is my recommendation to the Board that
18 it would be helpful from time to time for all concerned
19 to have some sense of timing - understanding full well
20 how elastic these estimates are- though it would allow
21 each of us to do a little bit of forward planning.

22 THE CHAIRMAN: Very well.

23 MR. HUNTER: If I might, I completely
24 agree with Mr. Campbell, although it is extremely
25 pleasurable to be here, for some of us it will hard to

1 do it all of the time. So, therefore, if we can get
2 some sense when we might do our cross-examination, it
3 would be helpful, Mr. Chairman.

4 THE CHAIRMAN: With respect to the
5 various panels to be called by Mr. Freidin, essentially
6 at this point.

7 MR. HUNTER: Yes, particularly starting
8 today.

9 THE CHAIRMAN: All right. Mr. Freidin,
10 would you give that some consideration over the lunch
11 hour, please?

12 MR. FREIDIN: Yes.

13 THE CHAIRMAN: Thank you. We will return
14 at 2:00 p.m.

15 ---Luncheon Recess at 12:35 p.m.

16 ---Upon resuming at 2:00 p.m.

17 THE CHAIRMAN: Thank you. Be seated.

18 Ladies and gentlemen, before we proceed
19 to hear from Mr. Williams on behalf of his clients, I
20 just want to make the following announcements that I
21 indicated I would make earlier.

22 I hope what I say will be clear, but the
23 information we have is the following: The Ministry of
24 Natural Resources has made arrangements with a local
25 travel agent to obtain discounted airfares for groups

1 and individuals flying in and out of Thunder Bay
2 frequently for the purposes of this hearing.

3 The agency is Thunder Bay Travel Ltd. and
4 they have two offices in town, one is across the street
5 at 10 Cumberland. The only additional restrictions for
6 these discounted airfares involves -- sorry, the only
7 additional restrictions involved in the discounted
8 airfares as compared to a business class ticket is that
9 flight changes must be made on the same airline.

10 And what I understand that to mean is
11 that if you want to change a flight that you have
12 booked, you have to change it to the same airline,
13 another flight on the same airline as opposed to a
14 different airline.

15 The discounted airfare also only applies
16 to return flights originating in Thunder Bay, but
17 frequent flyers can get around this sort of restriction
18 by booking an open-ended return ticket from Thunder
19 Bay.

20 MR. MANDER: From Toronto.

21 THE CHAIRMAN: I am sorry.

22 MR. MANDER: From Toronto to start.

23 THE CHAIRMAN: I see. From Toronto to
24 start, and then when you book the one from Thunder Bay
25 the discounted fare, I guess, would trigger in.

1 Evidently, the agency has calculated
2 fares for Thunder Bay to Toronto return flights which
3 are substantially less than the business class airfare
4 by approximately \$100, and they are confident that they
5 can obtain lower fares for people travelling frequently
6 from other destinations of the province as well.

7 Now, for more information on these rates
8 you can contact two young ladies; one by the name of
9 Cheryl and one by the name of Kathleen at this travel
10 agency at 345-2535 or drop in to see them at 10
11 Cumberland which is the travel agent's office.

12 The contacts at the agency's other office
13 in Fort William are three further ladies by the names
14 of, it looks like Tula, T-u-l-a; Joanne and Robbie, and
15 their number at that agency is 623-7473.

16 Simply identify yourself as a participant
17 in the Class Environmental Assessment Hearing for
18 Timber Management.

19 In addition, the hotel which is the --
20 excuse me, Doug, which hotel are we talking about?

21 MR. MANDER: Pardon me?

22 THE CHAIRMAN: Which hotel?

23 MR. MANDER: This one. I mean, Ramada, I
24 am sorry.

25 THE CHAIRMAN: This hotel has informed

1 the Board that they will be providing bus service from
2 the airport to the hotel every Monday morning and back
3 again on the last day of the hearing during that
4 particular week, and that will begin next Monday
5 morning. There is one bus and I understand it holds
6 around 10 to 11 people.

7 MR. MANDER: Actually he said he was
8 going to lease a transit bus, so it will hold 40 or 50,
9 if there is that many.

10 THE CHAIRMAN: Okay. So obviously he is
11 going to lease a larger bus that may hold 40 or 50
12 people, and that may help getting in from the airport.

13 The last announcement I would like to
14 make is that the Board has arranged for a toll-free
15 number at the Board offices in Toronto in order to
16 provide updated information on the progress of this
17 hearing, so that anyone throughout the province could
18 call in and hopefully will be able to obtain, on a
19 daily basis, an update of what happened and what is
20 expected to happen in the next one or two days of the
21 hearing, so that other people who cannot attend can
22 follow along in a reasonably up-to-date fashion.

23 Unfortunately, although the number has
24 been installed and I can give you the number which is
25 1-800-387-8810, it has been installed, but

1 unfortunately there is a technical problem; it is not
2 quite operational yet, and hopefully it will be
3 commencing next week.

4 And it is the intention of the Board to
5 provide sort of a one-page status report at the end of
6 each hearing day which will then be faxed to our office
7 in Toronto and recorded on an answering machine to
8 provide this information, and Mr. Mander together with
9 the Board will formulate what will be said in this
10 update each day.

11 And so, in that fashion, we can also keep
12 people advised of where we are in the hearing in a more
13 frequent manner than they might otherwise learn from
14 the newspapers and radio, et cetera.

15 And it would be of assistance to the
16 Board if any of the media present could perhaps repeat
17 that telephone number in any of their coverage so that
18 people throughout the province will know what it is and
19 the fact that they can call at their convenience.

20 Thank you.

21 Mr. Williams?

22 MR.. WILLIAMS: Thank you, Mr. Chairman.

23 Mr. Chairman, members of the panel, the
24 Ontario Federation of Anglers & Hunters is Ontario's
25 largest provincial conservation association.

1 The Federation is a coalition of over 400
2 fish and game conservation clubs and 72,000 individuals
3 located throughout the width and breadth of Ontario.

4 The Federation is this year celebrating
5 its 60th anniversary. In 1921 the Ontario Hunters'
6 Association was formed, followed in 1928 by the
7 founding of the Ontario Federation of Anglers.

8 In 1941, after several years of
9 negotiations, the two groups came together as the
10 Ontario Federation of Anglers & Hunters, with the
11 organization being incorporated under that name in
12 1947.

13 The Federation is a non-government,
14 non-profit organization which today represents the
15 interests, as I said a moment ago, of over 72,000
16 individual members who are fishermen, hunters and
17 outdoor enthusiasts from over every walk of life in
18 every corner of the province.

19 The size of the Federation membership and
20 geographic scope of operations has led to the
21 establishment of six geographic zones across the
22 province. Each zone elects four directors to manage
23 their affairs and to represent their views to the
24 Federation's 24-member Board of Directors.

25 In fact, Mr. Chairman, we have in the

1 room today representatives from the Zone 1 Board of
2 Directors who are sitting behind me. To my left, Mr.
3 Ron Maki and Mr. Roger Pinkowski, gentlemen.

4 The objectives of the Ontario Federation
5 of Anglers & Hunters are basically five-fold and are
6 specifically identified as follows:

7 Firstly, to promote the formation of
8 associations of anglers and hunters and to co-ordinate
9 and further the efforts of such associations towards
10 the conservation of fish and game.

11 Secondly, to promote and support
12 scientific research and general investigation of
13 problems relating to fish and game and their
14 conservation.

15 Thirdly, to promote and support proper
16 measures for the conservation of game and fish and for
17 the regulation of the taking and hunting of fish and
18 game in a sportsmanlike manner.

19 Fourthly, to cooperate with other
20 societies or individuals in the conservation of all
21 wildlife; and fifthly, to do all such other things as
22 are incidental or conducive to the attainment of the
23 above objects.

24 Mr. Chairman, these principal objectives
25 have been put into practice in hundreds of different

1 ways by the Federation and its members over the past 60
2 years, and obviously are too numerous to itemize here
3 today.

4 However, it is important that I take the
5 time to cite a few specific examples of our
6 conservation efforts over the years for two reasons:
7 Firstly, to give you an appreciation of the fact that
8 the Federation's conservation pledge is based on
9 performance and to make it clear from the outset of
10 these hearings that the Federation's members are more
11 than anglers and hunters.

12 They are fish and wildlife
13 conservationists who exercise their rights and
14 privileges within a broad and compatible environmental
15 framework founded on conservation and a healthy natural
16 environment.

17 And, secondly, to give the Board an
18 appreciation of the position our Federation will be
19 taking in these proceedings, as I will highlight for
20 you in a few moments.

21 For your information, Mr. Chairman, the
22 Ontario Federation of Anglers & Hunters conservation
23 pledge states as follows:

24 "I give my pledge as a Canadian to save
25 and faithfully defend from waste the

1 natural resources of my country, its
2 soils and minerals, its air, waters,
3 forests and wildlife."

4 This statement of principle has been
5 translated into a wide variety of conservation and
6 forest-related activities by the Federation and its
7 members. To name but a few: fish and wildlife
8 management, fish and wildlife research, enforcement of
9 fish and wildlife regulations, participation in
10 district land use planning, participation in
11 development of provincial park policy, wild turkey
12 re-introduction program in Ontario, access road and
13 access to public lands policy, operation of junior
14 conservation schools, identification of acid rain
15 problems in participation with governments to seek
16 remedies, public education programs, anti-poaching and
17 anti-litter programs.

18 It is, therefore, understandable, Mr.
19 Chairman, that the Ontario Federation of Anglers &
20 Hunters is interested in many aspects of these
21 hearings, with fish and wildlife being only one of the
22 issues in which the Federation has a proven record of
23 involvement and accomplishment.

24 With this broad perspective and diversity
25 of environmental interests, the Federation clearly has

1 a number of ascertainable interests to be represented
2 at these hearings as has already been determined by
3 your intervenor funding panel and about which I will
4 have more to say in a few moments.

5 THE CHAIRMAN: Well, hold on a second.
6 Before you get into the intervenor funding issue --

7 MR. WILLIAMS: I can assure you, Mr.
8 Chairman, that I will not be dealing with the merits of
9 that situation.

10 THE CHAIRMAN: Okay. Because this Board,
11 as you know, has absolutely no jurisdiction in that
12 area.

13 MR. WILLIAMS: You made that clear at the
14 preliminary hearings and yesterday, and I respect that.

15 THE CHAIRMAN: Okay.

16 MR. WILLIAMS: The Ontario Federation of
17 Anglers & Hunters wishes to be recorded as a
18 participant in these proceedings having a part-time
19 party status and being recorded as in opposition to the
20 proposal as written.

21 The decision of the Federation to be
22 recorded as in opposition to the proposal is not based
23 on an outright objection to the undertaking of timber
24 management on our Crown lands by the Ministry of
25 Natural Resources, rather our opposition arises out of

1 the following concerns:

2 Firstly, while the nature and scope of
3 the undertaking is spelled out in the Ministry's Class
4 Environmental Assessment for Timber Management on Crown
5 Lands in Ontario, obviously the evidence is not yet in
6 and the case has yet to be made by the proponent.

7 Secondly, the review of the proponent's
8 Class EA Assessment pursuant to the Environmental
9 Assessment Act has led to the conclusion that this
10 Class EA does not meet the requirements of Section 5(3)
11 of the Act by reason of the level of detail and the
12 technical quality of the Class EA components provided
13 for in the proponent's planning process being
14 insufficient to satisfy several of the review agencies.

15 Thirdly, and most importantly, the
16 proponent is seeking approval for the undertaking of
17 timber management on Crown lands in Ontario and sees
18 the purpose of that undertaking to be the provision of
19 a continuous and predictable supply of wood for
20 Ontario's forest products industry.

21 This is a narrow interpretation of
22 purpose that belies the proponent's avowed commitment
23 to multiple use and integrated resource management
24 concepts.

25 There is a compelling need for a broader

1 definition of the undertaking such as, forest land
2 resources management of Crown lands in Ontario
3 incorporating a broader sense of purpose of the
4 undertaking that would provide to the people of Ontario
5 continuous and predictable benefits from the wise use
6 and management of Ontario's timber and non-timber
7 resources.

8 Mr. Chairman, without this broader
9 definition of the undertaking and broader sense of
10 purpose, timber supply remains as the pre-imminent
11 consideration of the Ministry of Natural Resources in
12 developing forest management plans and, as such, a
13 direct contradiction of the multiple-use concept.

14 Any planning process predicated on the
15 narrow timber management interpretation relegates
16 non-timber resource values to a role of secondary
17 importance. This narrow vision creates a dichotomy of
18 interests that does not auger well for the
19 establishment of a forest management system that will
20 merit an environmental stamp of approval.

21 The Ontario Federation of Anglers &
22 Hunters is confident that it can make a constructive
23 and meaningful contribution to these hearings, not only
24 on behalf of its members, but in the public interest as
25 a whole.

1 This will be achieved if the ways and
2 means are developed through this hearing process by
3 which timber and non-timber resource values can be
4 rationalized on an equal basis with those values being
5 merged and applied in a responsible and practical
6 manner within a sound environmental framework.

7 Mr. Chairman, in my earlier comments I
8 had stated that the Federation was asking for part-time
9 party status in these hearings. You will recall that
10 during the course of the preliminary hearings in
11 January and February the Federation sought and was
12 granted full-time party status. At that time it was
13 made known to the Board that our application for
14 full-time party status was predicated on the Federation
15 being granted intervenor funding.

16 It was determined by your funding panel
17 that our Federation has a clearly ascertainable
18 interest to be represented at the hearings, yet
19 incredibly we were denied funding.

20 As you have stated, Mr. Chairman, the
21 whole matter of intervenor funding is outside the
22 jurisdiction of the main hearing panel. Accordingly, I
23 will not deal with the merits of that decision. I will
24 simply state that the funding panel's decision to deny
25 us funding has so prejudiced the Federation in its

1 ability to participate in these hearings that on March
2 29 I was instructed to request the Board in writing
3 that our party status be downgraded from that of a
4 full-time party to that of a part-time party in these
5 proceedings.

6 I ask that the Board now grant to the
7 Federation its request for revised party standing to
8 that of a part-time party participant in these
9 hearings.

10 THE CHAIRMAN: And I understand as well,
11 though, that you are one of the part-time parties that
12 would like full documentation; is that correct?

13 MR. WILLIAMS: And that was formally
14 requested and granted at the same time, Mr. Chairman,
15 yes, thank you.

16 THE CHAIRMAN: Very good.

17 MR. WILLIAMS: Mr. Chairman, I conclude
18 my opening statement on behalf of the Ontario
19 Federation of Anglers & Hunters with these comments.

20 While the Federation, by reason of having
21 been denied financial support through the intervenor
22 funding process, has been forced to assume a lesser
23 role in these proceedings than originally envisioned, I
24 can assure you that the Federation's perspective on the
25 Class EA Assessment in these hearings has not narrowed

1 and our determination to make a constructive
2 contribution towards improving the process for
3 management of our forest land resources has not
4 diminished.

5 In fact, Mr. Chairman, our Federation's
6 commitment was never stronger than it is now to the
7 cause of conservation of our natural resources and to
8 the wise use and management of our forest land
9 resources within an acceptable environmental mold.

10 Thank you, Mr. Chairman.

11 THE CHAIRMAN: Thank you, Mr. Williams.

12 I would like to call now on Mr. Reilly,
13 is he here?

14 MR. MANDER: He had to leave for Sault
15 Ste. Marie.

16 THE CHAIRMAN: He had to leave?

17 MR. MANDER: Yes.

18 THE CHAIRMAN: Mr. Colborne?

19 MR. COLBORNE: Mr. Chairman, my clients
20 were not fully introduced to the Board at the time of
21 the preliminary hearings and, therefore, with your
22 permission, I would like Chief George Kakeway to make
23 our brief opening statement.

24 THE CHAIRMAN: Very well.

25 MR. COLBORNE: Thank you.

1 CHIEF KAKEWAY: Mr. Chairman, members of
2 the Environmental Assessment Board, my name is George
3 Kakeway. I am the Chief of the Lac Portage Indian Band
4 and a member of the Executive Council of Grand Council
5 Treaty No. 3.

6 Grand Council Treaty No. 3 represents the
7 25 Ojibway first nations in the territory which extends
8 from just west of Thunder Bay to the Manitoba border,
9 and from the U.S. border on the south up to the
10 watershed in the vicinity of the Town of Red Lake.

11 Our population is approximately 12,000
12 and, therefore, if we all lived in one place our
13 population centre would be larger than Kenora, Fort
14 Frances or Dryden.

15 But we do not live in one place and, in
16 fact, our people are widely scattered, most living in
17 small reserve communities on the lakes and in the
18 forests. This is the main reason why we are before
19 this tribunal. We are the people who will be most
20 directly affected by your decisions. Everyone else who
21 is here can and will go elsewhere if they can't get
22 what they want from the forests.

23 The big corporations will invest their
24 money in some other businesses, the recreationalists
25 will find some other place to visit, the forest

1 industry employees will move down the road if they lose
2 their incomes. But we, the Ojibways, are not
3 transients in the land for this is our permanent home.

4 If, as a result of these hearings, damage
5 to our home is repaired, future damage is prevented and
6 we are able to share some of the prosperities from the
7 forest, then we will enjoy the benefits. If none of
8 these happen, we will still stay here. That is the
9 difference between my people and all or most of the
10 others who will come before this hearing.

11 In the Treaty 3 Territory, we were the
12 first timber managers. Just past the middle of the
13 last century when settlers and soldiers travelled
14 through our territory heading for the west they needed
15 wood, especially for the steamboats.

16 Some of our people made a good living
17 cutting and selling wood in this manner and when we
18 were negotiating the treaty we would not sign until
19 unpaid debts for this wood were honoured.

20 When the treaty was made, nothing was
21 said about the white man suddenly owning all the
22 timber, but immediately after the treaty, as soon as
23 the railway came through, with the railway came big
24 timber companies from the east well-connected
25 politically and with thousands of immigrants working to

1 cut the forests down. Not only did we gain little or
2 no benefit, but great slots of the best wood were taken
3 out.

4 Even our own reserves were invaded by
5 these timber companies in the belief their political
6 friends would protect them. One of our bands just this
7 month is finally receiving partial compensation for an
8 enormous timber cutting trespass which occurred more
9 than a hundred years ago.

10 My people believe at the time the treaty
11 was made, and we still believe, that the agreement in
12 the treaty was to permit Europeans to enter our
13 territory and share the use of the land, sharing and
14 mutual respect are central aspects of the Ojibway
15 belief system.

16 When our chiefs made the treaty, they
17 thought it was a fair exchange setting out mutual
18 guarantees and the sharing in the continuous prosperity
19 of our communities.

20 We the undersigned signed the treaty with
21 the Government of Canada, but the Government of Ontario
22 promptly came long and said it owned all the timber and
23 the Feds could clear out and the Indians better stay in
24 their reserves.

25 That was a hundred years of ago, but not

1 much has changed. The Government of Ontario over the
2 past hundred years have trampled on our treaty and on
3 our rights. We still have retained land use rights
4 throughout the territory, but Ontario refuses to honor
5 or recognize these rights. We have enormous economic
6 problems, especially unemployment, while the battle
7 with rich forest industries is cutting right up to our
8 reserve boundaries.

9 Generally speaking, our on-reserve
10 forests are defeated and our reserves are small because
11 of their size. Believe it or not, those calculations
12 are based on good agricultural land.

13 The above is a brief outline of our
14 concerns. As we see these hearings now, we will be
15 focusing on two types of issues in our territory.

16 Firstly, we are going to want to know
17 from the witnesses and, in detail, which forest
18 management practices are in accordance with the
19 honouring of our treaty rights and which ones are not.
20 Where they are not in accordance with our treaty
21 rights, we will be advising of changes that must be
22 made.

23 Secondly, we will be focusing on why the
24 jobs and profits from the forest never remain in our
25 communities so we will be advising on how this must be

1 changed, in other words.

2 Thank you.

3 THE CHAIRMAN: Thank you, sir.

4 Is Mr. Edwards here? Sorry.

5 MR. EDWARDS: Mr. Chairman, Members of
6 the Panel, before I begin wearing my hat as counsel for
7 NOTOA, I have been instructed and am pleased to wear
8 the hat of a member of the Thunder Bay Law Association
9 Executive, and I am asked to welcome the Panel Members
10 and all counsel present to Thunder Bay. We realize you
11 will be visiting us for quite some time. The outside
12 threat that I have heard so far is five years, but it
13 is at least a year or 18 months.

14 THE CHAIRMAN: I can guarantee it will
15 not be five.

16 MR. EDWARDS: It is often the practice of
17 the Law Association to extend invitations to judges
18 from out of town, Supreme Court Justices, to attend
19 functions such as dinners.

20 We realize, of course, that the decision
21 which you have to make is far too important to be left
22 with a Supreme Court Judge and we will be extending to
23 the Members of the Panel, and certainly all counsel, an
24 invitation to join the Law Association on a number of
25 functions.

1 In a practical sense, there is a law
2 library here which some people here may want to have
3 some access to. Any member of the Law Association has
4 a key. We can instruct you as to its location, it is
5 just in the courthouse up the hill.

6 There are other things, such as access to
7 computer-assisted legal research which some people
8 might want to avail themselves of which are available
9 through the Thunder Bay library system and there are a
10 number of fax machines in the city, and certainly you
11 could locate those through any member of the
12 Association.

13 The Bench and Bar often gets together for
14 socials, also for educational functions. The Christmas
15 party is held regularly in the third week of February.

16 THE CHAIRMAN: Do you want me to reserve
17 for next year's?

18 MR. EDWARDS: Yes. The functions usually
19 have a cash bar but, nevertheless, it is a good
20 opportunity to meet other members of the legal
21 community and, indeed, members of the community because
22 we know you will be here for some time and, indeed, we
23 are pleased to welcome you to our midst.

24 There will a written invitation
25 forthcoming on behalf of the Association to Members of

1 the Panel and, indeed, to all counsel who are present.

2 Mr. Chairman, Members of the Board, if I
3 could now put on my hat as counsel for the Northern
4 Ontario Tourist Outfitters Association.

5 My comments to you will be uninterrupted
6 by very much reference to the written material because
7 I was not kidding when I said I have only very recently
8 been retained on this and much of the written material
9 which is going to be in my file remains in transit
10 between North Bay and Thunder Bay.

11 However, a couple of concerns came up
12 from listening to Mr. Freidin's comments and indeed
13 from looking at the outline of evidence, and I think
14 they warrant very brief comment.

15 It was striking how often there was
16 reference to interdisciplinary approaches on behalf of
17 the proponent to decision making and implementation of
18 forest undertakings by the MNR.

19 We heard of interdisciplinary panel teams
20 to accommodate values and uses other than timber
21 management. But notwithstanding those types of
22 statements, the purpose of the undertaking is very
23 narrowly described so as to exclude, in my submission,
24 real consideration of the other interests of forest
25 users as partners.

1 At page 10 of the outline of evidence,
2 and as echoed by Mr. Freidin, there is a description of
3 the number -- the stakeholders who are involved in the
4 forest situation. It is interesting to note that the
5 commercial stakeholders were described by Mr. Freidin
6 as tourist operators, miners, trappers and fishermen.

7 The forest industries were not even
8 included in the description of commercial stakeholders;
9 that is to say, they were not merely treated as one of
10 the stakeholders, they were not even treated as a first
11 among equals. They were somehow, one would think,
12 above the description of commercial stakeholders.

13 Timber management really, in our
14 submission, is forest management. The description of
15 the undertaking - I can only echo the fine words of Mr.
16 Williams - is far too narrow and it will be the
17 intention, on behalf of the Northern Ontario Tourist
18 Outfitters Association, to demonstrate that one really
19 has to look at forest management.

20 I believe in the words of Irving Berlin -
21 I think it is Irving Berlin whose birthday we celebrate
22 today - like love and marriage, horses and carriages,
23 you can't have one without the other. And I think
24 forest management is what one is properly looking at,
25 whether you call it timber management, it has got to be

1 forest management.

2 If one might forgive me a brief anticdote
3 to make the point, as an illustration of the type of
4 evidence which we hope may be adduced on behalf of
5 NOTOA and which we hope will positively impacted by
6 these proceedings, last night as I hadn't received my
7 file material yet, I did the only natural thing to do
8 which was go canoeing and I went to a lake, which is in
9 the City of Thunder Bay, a very beautiful place called
10 Hazlewood Lake and it was nice, calm water, loons,
11 spring peepers, nice white pine and red pine on the
12 shores, very quiet, no chain saws, no other
13 interruptions of any sort, and it was a beautiful
14 surrounding, and that was within the City of Thunder
15 Bay and there is - I am sure you will discover, if you
16 are here long enough - that some of the most beautiful
17 real estate in the world is right around here. But the
18 point is this: As far as one could see on the horizon,
19 there was no indication of activity other than natural
20 things going on. That was within the City of Thunder
21 Bay.

22 That was very favourably -- or could be
23 very favourably contrasted to an experience of last
24 summer which involved a wilderness or a so-called
25 wilderness canoe trip down the Turtle River system,

1 which is west of here, past White Otter Castle, which
2 you may have heard of, into an upstream of lakes called
3 Dibble and Smurch lakes, a very beautiful area.

4 However, when one spends several days
5 paddling into that area, one could see not a skyline
6 reserve -- but one could see just literally beyond the
7 lakeshore, one could see that there was obvious logging
8 activity going on it. One could see that there was a
9 clearcut right down to the shore of Smurch or Dibble
10 Lake within a quarter of a mile of the nesting site of
11 the large raptor.

12 I had occasion to bump into an American
13 tourist there. This American tourist was, frankly,
14 quite upset; there were pick-up trucks along the shore.
15 He had thought he had purchased a fly-in fishing trip
16 and, indeed, he had paid for a fly-in fishing trip to
17 what he thought was going to be a wilderness site.

18 There were quite a number of other users
19 and motorized boats, that's not necessarily any
20 problem, but the fact that even the skyline reserve was
21 not adequately protected had upset that person and he
22 advised us he wasn't coming back.

23 And that is a perfect example of how
24 forest industry activity can impact upon the members of
25 the organization which I represent. Indeed, we had --

1 one of the lodges that was near that area is a -- the
2 proprietor is a member of our organization.

3 This type of impact just occurs
4 repeatedly; it is not necessary, it is devastating and
5 harmful to business. The businesses which are operated
6 by our members are, of course, businesses operating
7 with the intention of turning a profit, they are
8 businesses where people largely want to sell a
9 wilderness experience and unthinking management
10 destroys that business.

11 The Ministry will certainly try to show
12 you that it cooperates with Tourist Outfitters and it
13 is very fair -- to be fair to the Ministry, it
14 cooperates in is listening much better than it used to,
15 but it is certainly a great deal better in appearing to
16 listen and appearing to cooperate than it used to be.

17 But when one moves north one realizes the
18 impact and the power the Ministry of Natural Resources
19 has. If you talk to the average person on the Thunder
20 Bay street and you refer to the Ministry, with a
21 capital M, everybody knows you are not talking about
22 the Attorney General or some of those other pretenders
23 like health or environment, it is the Ministry of
24 Natural Resources, and they are seen to be the
25 government in the north.

1 The analogy of being a - I think there
2 was a politician who put it - that if you are in bed
3 even with a friendly elephant, every time it moves
4 without noticing you, you get hurt.

5 And it is our position that the Ministry
6 of Natural Resources, a vast organization, has to be
7 made more sensitive to the concerns and very legitimate
8 business concerns of our members.

9 And just to highlight what those are:
10 The Northern Ontario Tourist Outfitters has over 800
11 member tourist lodges, that's about two-thirds of
12 Ontario's total; plus 150 allied businesses that
13 support the role of the Association; 15,000 direct jobs
14 including owner/operators; 350-million in direct
15 revenues annually. I am advised further that over one
16 billion is spent in northern Ontario directly
17 attributable in the widest sense to outfitting, and
18 much of the money that is spent stays in the
19 communities. It is further a fair comment to say that
20 it is a significant employer of native people.

21 However, there are some storm clouds on
22 the horizon. The number of resorts in 1977 was about
23 1,670. By 1987 it is just over 1,300. So the numbers
24 are decreasing and the reason that it is decreasing is
25 that the impact -- or it will be our submission that a

1 large part of that reason is the impact of
2 forestry-style operations.

3 In areas where impacts are greatest, such
4 as the James Bay Frontier, the average revenues are
5 only 60 per cent of what they are in areas where the
6 impacts; that is to say, forestry activities largely,
7 are less severe. Fly-in base camps are almost
8 non-existent east of Sault Ste. Marie, apparently there
9 is fewer than five.

10 The tourism industry is the one industrial
11 sector that has been most directly affected by forest
12 products activity and forest management policy in
13 Ontario. In the last 10 years, the tourism plant has
14 down-sized by about 20 per cent, but that's in spite of
15 an increase in revenues of 350 per cent.

16 I think it is fair to say that there is
17 interest in the product that tourism outfitters have to
18 sell, it is an important part of the economy, but if
19 that that wilderness-style experience is taken away,
20 there won't be much to sell and, obviously, tourists,
21 largely from the United States, would not be willing to
22 come back.

23 The tourist operators operate in about 100
24 forests in nearly 30 MNR districts over five regions.
25 Tourism must deal with many more individual logging

1 firms and contractors as each operator manages his or
2 her facility. But these operators have been the
3 victims of varying and variable forest management
4 policy for too long.

5 For this reason, it is our position that
6 the province needs a class set of rules that can be
7 enforced to protect tourism values. The class
8 environmental assessment creates that opportunity to
9 establish an agenda to truly protect tourism during,
10 and especially after, forest products activities have
11 ceased. You will not hear it from this organization
12 that profit or making a profit out of the woods is
13 something wrong, you will certainly hear that there are
14 ways to conduct that activity so that other
15 profit-making ventures are respected.

16 It is our submission that the
17 environmental assessment as proposed will do little to
18 protect tourism. It really requests implementation of
19 the status quo and do nothing to enhance the future.

20 The objectives of the Northern Ontario
21 Tourist Outfitters Association in these hearings are
22 simple. NOTOA wishes to bring to the attention of the
23 Board the major shortcomings in the EA as it pertains
24 to the tourism industry and to propose changes in the
25 EA that will establish the tourism industry as a true

1 partner in forest management policy decisions, not
2 merely timber management policy.

3 As with the case of Mr. Williams' client,
4 our participation in these proceedings will be greatly
5 impacted by the lack of funding.

6 We are impressed by the schedule which
7 the Board intends to keep, both for its length and
8 certainly for its devotion to duty in the face of some
9 rather attractive tourism opportunities which will be
10 available this summer, and we intend to participate as
11 fully as we possibly can.

12 However, we have advised Mr. Freidin and
13 counsel for the MNR that we will be relying on them to
14 a certain extent to keep us advised as to when our
15 interests may be impacted, and we would also make that
16 request to the Board and the Board secretary because
17 our practical ability to participate has been
18 compromised.

19 Nevertheless, we do hope to make a
20 contribution which will allow tourism to be seen as a
21 partner rather than merely an adjunct.

22 Those are my submissions. Thank you.

23 THE CHAIRMAN: Thank you, sir.

24 Are there any other parties that wish to
25 make opening statements other than Mr. Campbell at the

1 moment?

2 (No response)

3 Very well. Mr. Campbell, I think we are
4 up to you.

5 MR. CAMPBELL: Thank you, Mr. Chairman.

6 The Board has heard from me now on several
7 occasions as to the role which the Ministry of the
8 Environment -- the Minister of the Environment intends
9 to play in these proceedings. I will not go through
10 that in detail.

11 I will simply say that the Minister is
12 and will be in these hearings an advocate for the
13 environment. The Minister is responsible for the
14 proper administration of the Environmental Assessment
15 Act and takes those responsibilities seriously, and
16 those responsibilities provide the framework for our
17 participation in these hearings.

18 Now, in reviewing this class environmental
19 assessment, the Ministry of Environment's objective
20 extends beyond the hearing. It will exist long after
21 this hearing is forgotten, and that objective is to
22 ensure that there is sufficient clarity, detail, and
23 data in the planning process being put forward by the
24 Ministry of Natural Resources to enable all of the
25 parties who will be participating in that process,

1 should this Board approve it, to understand their
2 respective roles, understand their respective
3 responsibilities involved, including the decision rules
4 and decision responsibilities within that process,
5 during both the planning and implementation stages of
6 timber management planning.

7 And, obviously, the Minister of the
8 Environment's objective is to ensure that that planning
9 process, should it be approved, addresses fully and
10 completely the environmental protection objectives of
11 the Ministry of the Environment.

12 Now, in that regard, I would like to raise
13 a concern which flows from a statement which Mr.
14 Freidin made yesterday.

15 I have been able to obtain a preliminary
16 page from the transcript of that statement, and I think
17 what I would like to do is read that statement, as it
18 will appear in the transcript, and then address where,
19 in the Ministry of the Environment's view, matters
20 stand with respect to Ministry of the Environment
21 concerns raised in the fall in the course of the
22 preparation of the Environmental Assessment Review.

23 Mr. Freidin said yesterday:

24 "It is the understanding of my client
25 that it has in fact satisfied all

1 significant concerns expressed by the
2 ministries of the Ontario government, as
3 expressed in the Government Review
4 Document, and Mr. Campbell, as he
5 indicated, will be filing material to
6 support that position when he has
7 assembled it all."

8 In my submission, Mr. Freidin's remarks
9 are quite misleading. It is correct that I will be
10 filing material which flows from the correspondence
11 that is contained in the Government Review, as I
12 advised the Board yesterday.

13 However, to give some background to this
14 matter, I will advise the Board that the Ministry of
15 the Environment raised concerns in an October 23rd,
16 1987 position that is outlined at page 160 of the
17 Review document with respect to a variety of matters
18 relating to the assessment.

19 Now, these concerns are raised with
20 respect to these concerns and I distinguish this and
21 wish to emphasize that this is quite separate and apart
22 from the question of opposing or supporting the class
23 EA.

24 The concerns were raised with respect to
25 areas of concern: minimum background information, a

1 need to identify further where guidelines, policies or
2 standards are needed to address Ministry of the
3 Environment areas of concern, environmental effects in
4 areas of concern, links between effects and remedial
5 measures, effects of the clearcut, silviculture system
6 and harvest types, non-regeneration, net acidification
7 effects, concerns relating to exceeding the maximum
8 allowable depletion, concerns relating to the category
9 of protection forest, concerns relating to monitoring,
10 MOE's participation in practice-related MNR documents,
11 inconsistencies between integrated resource management
12 policies and the environmental assessment, and
13 information requirements for the Ministry of the
14 Environment's regional offices.

15 Now, since the time of the publication of
16 that material, there have been on-going discussions and
17 correspondence between MNR and the Ministry of the
18 Environment, and those discussions and correspondence
19 have clarified how and when information will be
20 provided in some of those areas of Ministry of the
21 Environment concerns and, in other areas, have
22 identified future action necessary to address these
23 concerns either during the hearing or subsequent to it.

24 Those concerns are in part addressed in a
25 Ministry of Natural Resources' response of December

1 3rd, 1987, which will be found at page 248 of the
2 Review.

3 However, there is a further memorandum of
4 understanding between the Ministry of the Environment
5 and the Ministry of Natural Resources dated May 5th,
6 1988, which outlines commitments or actions on MNR's
7 part, and there are a significant number of measures of
8 that type; commitments or actions on MNR's part to
9 ensure that efficiencies relating to the class
10 environmental assessment are addressed in evidence at
11 the hearing or through various MNR documents which are
12 currently under revision, intended for revision, or not
13 yet produced.

14 THE CHAIRMAN: Mr. Campbell, when do you
15 expect that that document of May the 5th will be
16 available to the public?

17 MR. CAMPBELL: I expect it to be
18 available shortly, and that means within the next day
19 or so, Mr. Chairman.

20 THE CHAIRMAN: Is it the intention of the
21 Ministry of the Environment or MNR to distribute it
22 amongst the parties to this proceeding, or how do you
23 intend to put it before the Board?

24 I think it should be put out to the
25 public as early as possible, without waiting for the

1 logical point at which it might be addressed in the
2 course of the Ministry's --

3 MR. CAMPBELL: That is our intention, to
4 include it. It is part of this package which I am
5 trying to tie down the loose ends on, so we have all of
6 the correspondence that flows from the material in the
7 review. It is part of that package.

8 There is another part of that package
9 that is causing me some difficulty, but I expect to
10 clear these up within a few days and distribute it to
11 the parties and make it generally available--

12 THE CHAIRMAN: Thank you.

13 MR. CAMPBELL: --together with the
14 Review.

15 MR. HUNTER: Mr. Chairman? Excuse me,
16 Mr. Campbell. Since this subject has come up, this was
17 part of the nature of the concern yesterday. There is
18 a letter in that package which directly affects my
19 client's interests and we will be attempting to attend
20 to that over the course of the proceedings.

21 MR. CAMPBELL: That is one of the
22 concerns that I am not prepared to file with the Board
23 and provide to other parties, the material in which I
24 know there is some dispute or ambiguity and I am
25 attempting to clarify that, so that when the material

1 becomes available it will be clear on the face what it
2 means, and there is a dispute about that right now.

3 And that's really at the moment what's
4 holding it up. I expect that to be clarified very
5 shortly and I am making every effort to do so.

6 THE CHAIRMAN: Well, again, if there is
7 documentation that is not in dispute and could be
8 released earlier than documentation which might be in
9 dispute, I think from the Board's perspective it would
10 be helpful that the parties have what documentation is
11 available and can be released as soon as possible.

12 MR. CAMPBELL: We are as anxious about
13 that as yourself, Mr. Chairman.

14 Now, with that background and with the
15 commitments that MNR has made with respect to dealing
16 with certain matters in evidence, expanding on certain
17 matters in evidence, providing the Ministry of the
18 Environment with opportunities to review various
19 documents, and all of the other understandings that are
20 reflected in that material, I think it is critically
21 important that the Board read Mr. Freidin's comments of
22 yesterday only in the context of the additional context
23 which I have tried to provide today.

24 Now, having clarified, to the best of my
25 ability at the moment, the Ministry of the

1 Environment's concerns with respect to the
2 environmental assessment as they are outlined in the
3 Review and advised the Board about the process that's
4 in place to have some of those concerns addressed, I
5 would like to go on and say that the Ministry of the
6 Environment will need to evaluate the evidence provided
7 at the hearing and review the information provided in
8 the various Ministry of Natural Resources' documents
9 prior to finalizing a position on the matter as a
10 whole.

11 And, of course, in doing that, the
12 Ministry will also be concerned to review and consider
13 the evidence provided by all the other parties to these
14 proceedings. I want to emphasize though
15 that given the issues which Ministry of Environment has
16 raised in the course of its Review of this class
17 environmental assessment, that the agreement reached
18 with -- the memorandum of understanding reached with
19 Ministry of Natural Resources as to the process by
20 which these will be addressed, is not to be seen as any
21 constraint on the Ministry of Environment's exercise of
22 its rights to take a position as an advocate of the
23 environment throughout the course of these proceedings,
24 and we intend to do so.

25 Thank you, Mr. Chairman.

1 THE CHAIRMAN: Thank you, Mr. Campbell.

2 According to the Board's information
3 concerning the parties, that should complete all of the
4 opening statements that are to be made by the parties
5 at this time.

6 Is there anybody else that wishes to make
7 an opening statement, any of the parties who have been
8 previously identified?

9 (No response)

10 Very well. I think at this time, I take
11 it -- sorry, Mr. Freidin.

12 MR. FREIDIN: Mr. Chairman, I don't know
13 whether this would be the appropriate time, but I would
14 like to respond to what Mr. Campbell had to say.

15 THE CHAIRMAN: To his previous address?

16 MR. FREIDIN: Yes, sir.

17 THE CHAIRMAN: Very well. Go ahead

18 MR. FREIDIN: I just want to point out
19 that Mr. Campbell and I had a discussion during the
20 noon break, and Mr. Campbell was aware that I advised
21 him that I was going to make a statement as to my
22 comments yesterday to clarify any misunderstanding or
23 anything that may have been quite inadvertently
24 misleading.

25 And so I just wish to confirm that when I

1 made my statements yesterday about there being no
2 significant concerns regarding the environmental
3 assessment by ministries of Ontario government, that it
4 was based on the correspondence that Mr. Campbell has,
5 but has not compiled and is not prepared to file at the
6 present time.

7 I would like to confirm that this
8 correspondence does identify both action taken by the
9 Ministry of Natural Resources in response to concerns
10 voiced by the other ministries of government during the
11 Government Review, and it does contain statements of
12 commitments to further action such as - and I can give
13 you a few such as's - the development of guidelines for
14 protection of heritage resources in response to a
15 concern of the Ministry of Culture and Communications,
16 and the development of a code of practice for those
17 engaged in timber management to address concerns of the
18 Ministry of the Environment in relation to water
19 quality.

20 So it is understood, and it was
21 understood by me yesterday, and Mr. Campbell is aware,
22 that it has always been the understanding of the
23 Ministry of Natural Resources that the satisfaction
24 referred to is because of these commitments based on
25 the assumption by the ministries involved, and I think

1 it is an assumption that is well-founded, that through
2 cooperation between those ministries, those guidelines
3 and codes of practice and any other commitment made by
4 the Ministry of Natural Resources to future action,
5 would be satisfactorily prepared and met.

6 It has always been the intention of the
7 Ministry of Natural Resources to call evidence in
8 relation to all of those initiatives during the hearing
9 and the Ministry of Natural Resources will do so.

10 THE CHAIRMAN: And that includes the
11 future commitments as well; is that what you are
12 saying?

13 MR. FREIDIN: Of course.

14 Thank you very much.

15 THE CHAIRMAN: Thank you, Mr. Freidin.

16 Well, ladies and gentlemen, it is the
17 Board's proposal I think at this time to take an
18 adjournment, at which time we will review the list in
19 accordance with the Rules and our ruling of earlier
20 this morning and come back with what we propose to be
21 the order of the parties in the course of their
22 presentation with specifying the individual parties in
23 a particular order.

24 I take it, Mr. Freidin, that you are not
25 prepared to commence today with the evidence, or are

1 you?

2 MR. FREIDIN: I am, if you want me to.

3 THE CHAIRMAN: Well, let's take a break.
4 It will probably take us --

5 MR. HUNTER: I was just going to say, Mr.
6 Chairman, I haven't confirmed any position with Mr.
7 Castrilli or other parties. We have simply talked
8 about the idea during the period of cross-examination
9 of having some flexibility in terms of it may be more
10 opportune in one instance for CELA to go first, or it
11 may be easier for us, or it may be easier for another
12 party.

13 So in your deliberations, perhaps if you
14 could --

15 THE CHAIRMAN: All right. Why don't we
16 approach it this way: We will go away and just take a
17 quick look at the impact of our Rules of Practice in
18 terms of the order that is set out there, as well as
19 the rulings we made this morning, and come back with a
20 proposal, and we will try and retain within that
21 proposal the flexibility you are asking for.

22 MR. HUNTER: Thank you, Mr. Chairman.

23 THE CHAIRMAN: And that goes for all the
24 other parties.

25 MR. FREIDIN: Mr. Chairman, I am prepared

1 to proceed this afternoon, but having regard to certain
2 developments it might be that the extra time could be
3 used to resolve certain matters and perhaps...

4 THE CHAIRMAN: Well, I think it is
5 getting late in the day. I think if we could adjourn
6 for half an hour, we will maybe reconvene -- it
7 probably will not take much more than 15 minutes to
8 review the order, and then we will break for the day --
9 adjourn for the day and commence tomorrow morning with
10 your case.

11 MR. CAMPBELL: Could we canvass the time?
12 I hate to harp on this point, but it is one of some
13 modest interest to me and I know to others about how
14 long people expected to be in cross-examination and in
15 presentations.

16 MR. HUNTER: And perhaps from Mr.
17 Freidin, how long he intends to take to lead evidence.

18 THE CHAIRMAN: Okay. Have you had those
19 discussions, counsel, over the lunch hour.

20 MR. FREIDIN: No. No, we didn't have any
21 discussions, but I can tell you that I estimate that
22 the first panel will take no more than two days at the
23 outside.

24 MR. MANDER: Direct evidence?

25 MR. FREIDIN: In direct.

1 THE CHAIRMAN: Well, counsel, any idea
2 how long cross-examination will take? If the direct
3 evidence is two days, what do you do, multiply it by
4 20?

5 Well, why don't you consider that while
6 we are working on this order and maybe we will come
7 back and address that as well.

8 We will break for half an hour.

9 ---Recess taken at 3:10 p.m.

10 ---Upon resuming at 3:45 p.m.

11 THE CHAIRMAN: Be seated, please.

12 Well, ladies and gentlemen, we have given
13 some preliminary consideration to the order and we
14 wanted to possibly canvass the idea as well as to
15 whether or not, of the parties in support that
16 represent essentially the same interests, whether they
17 might consider - if there is any further questions to
18 be put to your witnesses - they might consider going
19 together as opposed to one after the other and this
20 kind of thing, and I am thinking essentially of the
21 associations and the companies, the pulp and paper
22 companies, both Kimberly-Clark, Spruce Falls, Boise
23 Cascade, as a possibility.

24 MR. COSMAN: Yes. Speaking for myself,
25 Mr. Chairman, already, as you know, 74 companies and

1 two associations have got together for that purpose.

2 THE CHAIRMAN: Right. Okay.

3 MR. COSMAN: But I leave it to my friends
4 to speak for themselves.

5 MR. SANFORD: Mr. Chairman, I think that,
6 in effect, during MNR's case, the participation by the
7 three companies is likely to be at its lowest level, so
8 this may not be a real problem. I think if there is to
9 be active involvement by our three clients, I think it
10 is more likely to be later on.

11 THE CHAIRMAN: Very well. Again, I do
12 not know whether the Northwestern Associated Chambers
13 of Commerce and the Red Lake-Ear Falls Joint Municipal
14 Committee might also fall into that category of having
15 perhaps a similar interest.

16 MR. MANDER: Neither one is here.

17 THE CHAIRMAN: Neither one is here, so we
18 cannot really canvass that at this point.

19 I do not think there is much chance of
20 having the parties opposed in interest to coalesce any
21 more than they have coalesced already.

22 So, I think we would probably be looking
23 at MNR leading off with direct. We have sort of
24 tentatively slotted in, of the parties in support, the
25 Ontario Forest Industry Association and Ontario Lumber

1 Manufacturers Association, Mr. Cosman; then followed by
2 Boise Cascade, Mr. Cotton; by Kimberly and Spruce
3 Falls, Mr. Sanford; again, Northwestern Ontario
4 Associated Chambers of Commerce, Mr. Scott; Red
5 Lake-Ear Falls Joint Municipal Committee, Mr. Babcock;
6 and then parties not represented by counsel in support
7 of the proposal.

8 Again, some of these parties, I would
9 imagine, will not be interested in certain panels, so
10 they probably will not be here for part of the
11 Ministry's case until they get to a point where they
12 are interested.

13 In terms of cross-examination, again, our
14 feeling was we would probably lead off with the two
15 major full-time participants which would be Forests for
16 Tomorrow with Mr. Castrilli; and the Nishnawbe-Aski
17 Nation and the Windigo Tribal Council, Mr. Hunter.

18 That -- sorry.

19 MR. HUNTER: I was just going to say, Mr.
20 Chairman, we have discussed that. I think that that
21 would be hopefully the approach --

22 THE CHAIRMAN: Yes, but that could be
23 adjusted. We are just looking at the first panel or
24 so. We are trying to look at, you know, who do we call
25 on.

1 MR. HUNTER: I just simply mention that
2 Mr. Colborne and I were talking and just with respect
3 to that panel it might be easier if he were to go
4 before myself, but we are going to be here anyway, but
5 it would be easier...

6 THE CHAIRMAN: Okay. What we had after
7 that - just to give you our tentative schedule and,
8 again, we will certainly be amenable to amending it as
9 we go along - the Northern Ontario Tourist Association,
10 if they were here for these panels; the Ontario
11 Federation of Anglers & Hunters, again, if they were
12 here for these panels; Grand Council Treaty No. 3, Mr.
13 Colborne, but that could be switched with you, if
14 necessary; the parties unrepresented by counsel in
15 opposition and the Ministry of the Environment followed
16 by re-examination by MNR.

17 Now, I take it, there is no objection to
18 MNR re-examining after all of the cross-examinations
19 have been completed as opposed to after each party has
20 cross-examined.

21 It would seem that it is not so
22 important, I would think from the Board's perspective,
23 as to who is making the comments in terms of
24 criticizing the Ministry's case - which you might want
25 to clarify, Mr. Freidin, in re-examination - as opposed

1 to having that clarification on the record at the end
2 of it all.

3 MR. FREIDIN: I think at the moment the
4 suggested procedure is the better one.

5 THE CHAIRMAN: Okay. If it turns out to
6 be a problem and, for some reason, you feel it is
7 absolutely essential to re-examine right after the
8 cross-examination by a particular party, then raise it
9 with the Board and we will deal with it on an ad hoc
10 basis.

11 MR. EDWARDS: Mr. Chairman?

12 THE CHAIRMAN: Did I miss you?

13 MR. EDWARDS: As a point of information,
14 I do not know that Mr. Scott has been called to the
15 Bar, so it would surprise me that he would precede Mr.
16 Babcock.

17 THE CHAIRMAN: Oh.

18 MR. HUNTER: Mr. Scott is an engineer, I
19 believe.

20 MR. EDWARDS: He is an engineer, he's not
21 a lawyer.

22 THE CHAIRMAN: Oh, I am sorry. I took
23 him to be counsel.

24 MR. HUNTER: That lowered the standards.

25 THE CHAIRMAN: So we will reverse Mr.

1 Babcock and Mr. Scott.

2 My colleague here objects, but we will do
3 it anyway.

4 MR. HUNTER: Since Mr. Scott has just
5 been appointed Chairman of Proctor Redfern you may want
6 to change that too.

7 THE CHAIRMAN: Okay. So the Board is
8 quite prepared to exercise a degree of flexibility
9 because it is obvious that not all of the parties will
10 be here all of the time and it may, for other reasons,
11 be necessary to reverse the order in some fashion.

12 Now, when it comes to estimating the
13 times for cross-examination, I really do not know how
14 accurate anybody is going to be. I am not sure that it
15 is really a useful exercise because you really do not
16 know what the evidence is yet until it goes in.

17 However, having said that: You have
18 estimated, Mr. Freidin, that your first panel is going
19 to take approximately two days and, therefore, if we
20 start tomorrow morning that is going to be supposedly
21 Thursday and Friday.

22 You realize on Friday we are going to be
23 departing around 3:00 or 3:30 this week and I do not
24 know whether you will finish. But presuming that you
25 do finish, I do not know that we will complete any

1 further questioning by those parties in support on
2 Friday - we may or may not - and we might be in a
3 position to start cross-examination the following
4 Monday.

5 MR. COSMAN: Well, I would prefer that,
6 Mr. Chairman. It may not even arise, but assuming that
7 we finish at two o'clock on Friday afternoon, I would
8 like to meet with witnesses in Toronto on Friday
9 afternoon, so I am just hoping that cross-examination
10 by all parties would start first thing Monday morning
11 and I would lead off.

12 THE CHAIRMAN: Okay. I do not mind that,
13 Mr. Cosman, starting off the show, but we are going to
14 try and run the hearing in a fashion, as we get into it
15 more seriously, that we are going to try and estimate
16 when parties are going to finish, and what we want to
17 try and avoid, if we can, is knocking off afternoons
18 and losing hearing hours in order to start
19 cross-examinations the following days and that kind of
20 thing.

21 So what I am saying is, is that I would
22 hope the parties, if we get estimates that we finish
23 before lunch or shortly after lunch on a particular day
24 with the direct examination, that the parties who are
25 slated to cross-examine can start in in the afternoon

1 and at least get some portion of their
2 cross-examination started without requesting a break
3 until the following morning, because there is going to
4 be numerous cross-examinations of the many witnesses
5 called by all the parties and we are going to lose
6 untold hours of hearing time if we condone that
7 practice.

8 But I think in view of the fact that we
9 will be finishing probably in the afternoon at some
10 point on Friday, this particular week, and we are
11 leaving early, we will not look to you to cross-examine
12 until Monday morning.

13 MR. FREIDIN: I was just wondering, Mr.
14 Chairman - although it is going to be a guess by
15 everybody, they do have some idea of what the evidence
16 is going to relate to - it would help me if I had an
17 estimation, notwithstanding its qualifiers, so I can
18 determine when witness Panel No. 2 should come up.

19 THE CHAIRMAN: Okay. Any idea, Mr.
20 Cosman?

21 MR. COSMAN: Yes. Depending upon the
22 evidence, one to two hours at the very most.

23 THE CHAIRMAN: Okay. Mr. Hunter?

24 MR. HUNTER: I think hopefully no more
25 than two hours, Mr. Chairman.

1 THE CHAIRMAN: And I take it if -- well,
2 Mr. Castrilli, how long do you think you will be?

3 MR. CASTRILLI: Mr. Chairman, at the
4 moment I anticipate my cross-examination being
5 approximately one day.

6 THE CHAIRMAN: One day?

7 MR. CASTRILLI: Yes.

8 THE CHAIRMAN: On Panel 1?

9 MR. CASTRILLI: On Panel 1.

10 THE CHAIRMAN: And I would imagine that
11 the other parties who are playing a less active role at
12 this stage will probably not be -- certainly will not
13 be as long as you, Mr. Castrilli, I would hope, and
14 will probably be between the one- and two-hour mark, I
15 would imagine, if there is going to be
16 cross-examination.

17 MR. COLBORNE: I may be one half day for
18 the first panel.

19 THE CHAIRMAN: Oh. Well, that just shows
20 you what happens with projections. I think it is going
21 to be this way all the way through.

22 All right. Well, that gives--

23 MR. FREIDIN: Good enough.

24 THE CHAIRMAN: --you an idea in terms of
25 where you are.

1 Mr. Williams, are you going to be around
2 for the first panel?

3 MR. WILLIAMS: Yes, Mr. Chairman.

4 THE CHAIRMAN: Do you have any idea, just
5 as an estimate?

6 MR. WILLIAMS: It is hard to gauge at
7 this time, perhaps a half hour.

8 THE CHAIRMAN: Very well.

9 Is there any other matter of a sort of
10 procedural nature that we might just cover right at the
11 moment?

12 MR. CASTRILLI: I am sorry, Mr. Chairman.

13 THE CHAIRMAN: Mr. Castrilli?

14 MR. CASTRILLI: I am sorry, Mr. Chairman.
15 I hope I won't have to perhaps do this tomorrow
16 morning, but I have been in discussion with Mr. Freidin
17 and Ms. Blastorah over the last day or so about
18 provision of additional documents in responses to my
19 first interrogatory, and I anticipate that that will be
20 resolved hopefully by tomorrow and certainly by the
21 time we depart Friday afternoon.

22 If I hear otherwise any time between now
23 and then, I will be bringing a motion.

24 Thank you.

25 MR. COLBORNE: An administrative point,

1 Mr. Chairman. I have canvassed this with two or three
2 other counsel, and I think I have some support in this
3 suggestion, I am just asking if you would give some
4 thought and see if it is practical.

5 I understand that the transcripts will
6 not be available next day and that, in fact, there is
7 going to be a two-day hiatus between the day of the
8 evidence and when the transcripts are available - and I
9 am sure there are very good reasons for that - and I am
10 asking that perhaps the possibility of having next-day
11 transcripts could be examined, because that would be a
12 great relief to parties like myself -- or counsel like
13 myself, and I think others as well, where we know, for
14 instance, that a witness who we probably do not want to
15 cross-examine is going to be on the stand for a day.

16 It is possible to have counsel or someone
17 on behalf of counsel to simply examine the transcript,
18 if it is available next morning.

19 Would you look at that?

20 THE CHAIRMAN: We will look at it. It is
21 not the first time we have thought of it, I can tell
22 you that much. It basically involves a massive effort
23 to produce a transcript for the next day, not to
24 mention the cost which substantially shoots up.

25 And you must realize that in this hearing

1 we are providing something like - I cannot remember the
2 count - but something like 35 sets of transcripts
3 across the province, again, at a relatively steep cost
4 and, you know, we are trying to do what we think we can
5 do within the limits, and there are some budgetary
6 limits in terms of this hearing and the cost of the
7 proceedings and everything else.

8 So we will take another look at it. I
9 understand, you know, what you are saying and what the
10 concerns are and I know it would relieve some of the
11 burden on counsel in terms of having to be present all
12 the time to take down the notes and it would assist
13 probably counsel in cross-examination and other
14 parties.

15 But whether or not we can provide that
16 service, I do not know. We will look at it again.

17 Any other matters?

18 (No response)

19 Very well, ladies and gentlemen, we will
20 now adjourn until 9:30 tomorrow morning.

21 Thank you.

22 ---Whereupon the hearing adjourned at 4:00 p.m., to
23 reconvene Thursday, May 12, 1988 commencing at 9:30
24 a.m.

